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Report title: LGF High Risk Projects Update Report

Report to: Accountability Board

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**Meeting date:** 16 February 2024 **For:** Information

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**SELEP Partner Authority affected:** Essex, Kent, and Thurrock

#### 1. Purpose of report

- 1.1. The purpose of this report is for the Accountability Board (the Board) to receive an update on the current delivery status of five Local Growth Fund (LGF) projects which have been identified as High Risk; A28 Sturry Link Road, Beaulieu Park Station, A28 Chart Road, Purfleet Centre, and A127 Fairglen Junction Improvements. The latest position for other projects identified as High risk in previous reporting to the Board are considered as part of the LGF update report.
- 1.2. It should be noted, as previously reported at the Board meeting on 12 January 2024, that 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. This feedback was, in part, due to the approach taken to reporting on LGF spend to Government but it is considered important that outstanding issues associated with High risk projects are addressed prior to March 2024, wherever possible, whilst established monitoring processes remain in place.
- 1.3. The report will give the Board the opportunity to consider whether the risks previously highlighted for each project have been satisfactorily mitigated or whether clear mitigation plans are in place to ensure that the project progresses to delivery.

#### 2. Recommendations

- 2.1. The Board is asked to:
  - 2.1.1. **Note** that there are on-going risks across all of the projects set out in this report that will extend beyond the end of SELEP. Provisions are to be implemented in the Transition Agreement that will set out arrangements for on-going monitoring of project delivery with the Department for Levelling Up Housing and Communities (DLUHC) from April 2024. The following is highlighted to note for each project:

#### **A28 Sturry Link Road**

2.1.2. **Note** that there remain significant risks to the project, however, progress has been made on a number of identified issues but mitigations are required to be put in place by Kent County Council to ensure successful delivery.

### **Beaulieu Park Station**

- 2.1.3. **Note** that a significant risk in relation to the Homes England HIF has been fully mitigated by the signing of the Deed of Variation and delivery of the project continues.
- 2.1.4. **Note** that risks remain in relation to further delays and cost escalation, but that Essex County Council will closely monitor these.

#### **A28 Chart Road**

2.1.5. Note that, although there remains a significant risk to the project, Kent County Council has provided assurances that they remain committed to its delivery and will need to ensure that satisfactory mitigation plans are in place and continue to be monitored.

#### **Purfleet Centre**

2.1.6. **Note** that, although there remains a significant risk to the project and realisation of the benefits, Thurrock Council has provided assurances that they remain committed to its delivery and will need to ensure that satisfactory mitigation plans are in place and continue to be monitored.

#### **A127 Fairglen Interchange**

2.1.7. **Note** that approval of the full Business Case cannot be confirmed by Department for Transport until the agreed tender costs are included, and that the new tender process is due to complete in June 2024.

## A28 Sturry Link Road - Kent (total LGF allocation £5.9m)

#### 3. Background

- 3.1. The project is delivering a new link road between the A291 and A28, to the southwest of Sturry, Canterbury to combat traffic congestion. The LGF contribution is allowing for the construction of a bridge over the railway line and the Great Stour River to enable traffic to avoid the Sturry level crossing and the congested road network in the area. Further information on the project can be found in Appendix A.
- 3.2. In June 2016, the Board approved the award of £5.9m LGF to the project, however, various planning complications and delivery risks have meant that the project has progressed more slowly than originally anticipated.
- 3.3. A key facet of the project involves the acquisition of the land necessary to deliver the project, but this process has been delayed. In November 2021, the Board agreed that the deadline for the completion of the land acquisition could be extended to 31 August 2023, and that the remaining £4.656m LGF could be transferred to Kent County Council on the condition that this updated land acquisition deadline is met.

- 3.4. At the April 2023 meeting, the Board were advised of a risk in relation to the Sturry development which was outlined in a confidential appendix. This risk had resulted in a significant delay to the publication of the Compulsory Purchase Order (CPO) and had pushed the timeline for the completion of the land acquisition out beyond 31 August 2023. Additionally, the Board were advised that environmental surveys were ongoing and would continue as a mitigation strategy was developed.
- 3.5. The Board agreed to further extend the deadline for completion of the land acquisition to 7 April 2025 and the completion date for the project to 31 December 2026.

### 4. Project Update

- 4.1. Site clearance and environmental mitigation works are ongoing. The presence of beavers identified along the section of the river Stour through Sturry meant that additional surveys were required to better understand their activity. Fieldwork for the archaeological investigation was undertaken in July 2023 with reports being finalised to enable the discharge of the respective planning condition. Other surveys related to the presence of Desmoulins whorl snails, otters and badgers also required a mitigation strategy that will be in place throughout the duration of the project.
- 4.2. The notification to award the Design and Build contract was issued on 21 April 2023. There were delays in signing the contract, however, the contract has been signed by the contractor and is now in the process of being sealed by Kent County Council. A verbal update will be given at the meeting.

#### **Dependent developments**

4.3. There are three main dependent development sites with each development having a commitment to financially contribute to the delivery of the project. These are as follows:

#### **Broad Oak**

- 4.3.1. This development continues to be built out and instalments of Section 106 (S106) funds are being paid to Kent County Council.
- 4.3.2. Construction commenced in 2022 and continues to date.

#### Sturry

- 4.3.3. The S106 agreement is in place to provide the developer contributions and to deliver the part of the Sturry Link Road that runs through the site.
- 4.3.4. Heads of Terms have been agreed between the promoter of the Sturry site and the housebuilder, however, issues have arisen as set out to the Board in a confidential appendix at the April 2023 meeting. It was initially reported that these negotiations would be concluded by the end of June 2023, however these discussions were protracted leading to an extension, and this remains to be the case.
- 4.3.5. Progression has been seen with Natural England having accepted the proposed mitigation for Nutrient Neutrality and Canterbury City Council planners preparing an 'appropriate assessment' to close out the planning condition.

4.3.6. A reserved matters application is being prepared, but a programme for commencement of the Sturry development is still to be confirmed.

#### North Hersden

- 4.3.7. A planning application has been submitted to Canterbury City Council for determination. The decision has been delayed due to a resolution being sought in relation to nutrient neutrality issues with Natural England. This issue has now been resolved and Canterbury City Council are proposing to take the application to planning committee in March 2024 or April 2024, at the latest.
- 4.3.8. A S106 agreement is being prepared in line with the agreed Heads of Terms between the developer Persimmon Homes and Kent County Council.
- 4.3.9. Should the planning application be refused, the requirement for Kent County Council borrowing to forward fund the project will be increased, whilst alternative funding sources are identified.

#### Land acquisition - CPO and Voluntary Negotiation

- 4.4. Publication of the CPO was confirmed on the 30 November 2023 and the consultation period has now closed. Six objections were received, and these are being reviewed with an action plan being formulated.
- 4.5. Carter Jonas continues to work on the voluntary land acquisition negotiations with impacted landowners with a view to obtaining the majority of the required land through voluntary negotiation.

#### 5. Finances

- 5.1. Value engineering will be undertaken during the Detailed Design phase of the project to ensure the scheme cost is in line with the budget. Further funding opportunities will be explored to reduce the forward funding required by Kent County Council in light of the recent financial pressures being experienced by Local Authorities.
- 5.2. Sufficient developer contributions and the LGF funding are banked to enable the design phase of the design and build contract to proceed.
- 5.3. The £1.38m spend in 2023/24 includes approximately £0.9m for land acquisition. It is possible that some of this could slip into 2024/25 if the land acquisition is not concluded by 31 March 2024, although this is currently considered to be unlikely.

Table 1: Financial Breakdown

Application in Year (£m)										
Funding Source	Prior to 2021/22	1つ0つ1/つつ	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Total
Local Growth Fund	1.11	0.12	0.22	1.38	3.08					5.90
KCC forward funding					0.00	7.00	-6.00	-1.00	0.00	0.00
Herne Bay S106	0.25									0.25
Hopland S106	1.20							-1.20	0.00	0.00
Colliery Site s106					1.20	1.20	1.20	-1.00	-2.60	0.00
Sturry S106					0.83	2.06	2.06	2.06	1.79	8.80
Broadoak S106			0.17	2.06	2.06	2.06	2.06	0.39		8.80
North Hersden S106					2.00	2.00	0.90	0.93		5.83
Annual Total	2.56	0.12	0.39	3.07	9.53	14.32	0.22	0.18	-0.81	29.58

# 6. RAG Risk Template

Table 2: Summary of key project risks

Risk	RAG rating (November 2023)	Change since last Board meeting	Current RAG rating (February 2024)	Progress & Actions
Project programme – Delays connected to procurement of Design and Build contractor, increased levels of environmental surveys required, and additional time required for land acquisition due to a delay in progressing the Sturry site.	Red		Amber	Design and Build contract now signed by contractor and being sealed by Kent County Council.  Additional Environmental surveys and mitigation are on-going in advance of main work as planned. Minor risk of changes in ecological activity within the site.  CPO published with low level of objections which will hopefully be managed without the need for a Public Inquiry which would reduce the time require for a decision on the CPO.
Project budget/cost increase	Amber		Green	The revised budget has been updated based on the successful tender. There is an increase in budget that is offset by indexation of developer contributions through the S106 agreements. Value engineering will be explored during the detailed design phase to ensure the project cost is in line with the available budget.
Land acquisition – risk that land acquisition will not be completed in accordance with the timeline agreed by the Board.	Amber		Green	CPO was published on 30 November 2023. The Secretary of State decision is expected no later than 7 April 2025 prior to construction in April 2025.
Delay to the programme of the Sturry Development delivering part of the Sturry Link Road.	Red		Red	The site owner and developer still need to close out some of the conditions on the planning consent for the Sturry site. This may mean a further delay on their programme, which would have a potential consequence on the programme for the delivery of

			the Kent County Council section of the project, but the two programmes are still aligned.
Nutrient neutrality strategy submission delaying determination of planning application of North Hersden development.	Amber	Amber	A revised nutrient neutrality mitigation has been submitted by the developers for review by Natural England. Canterbury City Council planners are anticipating taking to planning committee for a decision by April 2024. S106 negotiations are progressing in line with the agreed Heads of Terms.
Forward funding requirement  – to enable the programme to progress there is a need for forward funding to be provided ahead of receipt of all agreed developer contributions. The current financial climate means that there are other pressures on Kent County Council for its resources alongside the need to facilitate forward funding for the project.	Amber	Amber	To meet the current programme there is a need for forward funding as the project spend will be greater than the rate of recovery of the Developer Contributions. Kent County Council to continue to monitor predicted spend against income from developer contribution, as well as opportunities for further developer contributions and or gap funding.

#### 7. SELEP Key Risks

- 7.1. There have been several delays to the project spanning a significant length of time which raises concerns from both a delivery and reputational risk perspective and the project remains High Risk as a result.
- 7.2. The award of a Design and Build contract has been protracted since the intent to award was issued in April 2023, however, it has been signed by the contractor and is currently being sealed by Kent County Council. An update will be given at the meeting.
- 7.3. The negotiations between the developer and landowner on the Sturry site are still on-going, adding further delay to the project.
- 7.4. Canterbury City Council has not yet granted planning permission for the North Hersden development, and the decision has been delayed to April 2024. Refusal of this application could create a funding gap which Kent County Council may need to address through further borrowing. This element of the project does not have any impact on the CPO completion date.
- 7.5. Although it is considered a relatively small risk, there is still a possibility that the Secretary of State may not approve the CPO. If the CPO is not approved, by the Secretary of State, the project would not be able to progress. Following the closure of the consultation period this risk is seen as reducing.

# 8. Project Milestones

Table 3: Summary of key project milestones

	Milestone Completion Date (November 2023)	Milestone Completion Date (February 2024)	Change in milestone date (RAG rating)	Commentary (To include: % of milestone achieved to date)
Publication of CPO	November 2023	November 2023	Green	100%. The CPO was published in November 2023.
Assess and award the Design and Build contract	December 2023	February 2024	Amber	Contracts signed by contractor and currently being sealed by Kent County Council
Completion of negotiations around how planning conditions would be met between the developer and landowner of the Sturry site	December 2023	April 2024	Red	The promoter for the site is progressing with the reserved matters application. Details from the developers still to be confirmed.
Determination of the North Hersden Planning application	December 2023	April 2024	Red	The planning application has been submitted and is due to be determined by April 2024 following the submission of the mitigation strategy for Nutrient Neutrality. This does not prevent the project being delivered but Kent County Council may need to review borrowing requirements if project spend is faster that income from developer contributions. It is possible the application might be determined at the March 2024 meeting.

Completion of design phase	September 2024	September 2024	Green	The design phase is on track to be completed in line with the revised programme.
Approval of design and confirm price	October 2024	October 2024	Green	This approval aligns with the revised work programme.
Environmental mitigation works	March 2025	March 2025	Green	60% Complete – Continued work is underway on the environmental mitigation works and will require ongoing updates throughout the design process. This does not impact on the programme for delivery of the project. Engagement with Kent Wildlife Trust and the East Kent Beaver Advisory Group continues to agree a mitigation strategy for this recently protected species
Completion of required land acquisition, including CPO process and Secretary of State decision	April 2025	April 2025	Green	The land acquisition negotiations and CPO processes continued to be actioned. CPO was published in November 2023. Full completion has been designated for April 2025, to allow for a worst-case scenario, but prior to works commencing on site.  60% of the land has been committed by way of a S.106 agreement.
Construction commencement	April 2025	April 2025	Green	This timeline is still expected to be met with no change from agreed programme.
Completion of works	December 2026	December 2026	Green	This timeline is still expected to be met with no change from agreed programme.

#### 9. Next Steps

- 9.1. The design and build contractor (Volker Fitzpatrick) is progressing the detailed design phase of the contract. The earliest start of construction remains April 2025.
- 9.2. Ecological surveys and Advance Environmental mitigation ongoing.
- 9.3. Kent County Council are in discussion with the Department for Transport around the next steps, with regard to the Compulsory Purchase Agreement. Both parties are confident that matters can be dealt with via a written representation which should be sufficient, meaning a full public enquiry will not be necessary. This will need to be confirmed.
- 9.4. The North Hersden planning application to go to Planning Committee in March or April 2024, at the latest.
- 9.5. The programme for the Sturry development still needs to be confirmed. The developer is actively continuing to pursue the discharge of planning conditions and reserved matters. Kent County Council are due to meet with the developer in the near future.
- 9.6. A new funding source from the development at Popes Lane, Sturry has been identified, that could assist with managing the cashflow which will reduce Kent County Council's borrowing requirement.

### Beaulieu Park Station - Essex (total LGF allocation £12m)

### 10. Background

- 10.1. The project aims to build a new railway station in Chelmsford. The new station is to be situated on the existing Great Eastern Main Line (GEML), on the eastern side of Beaulieu, adjacent to the A12/A138/B1137 junction 19. The vision is to create a new transport hub facilitating sustainable modes of transport which will serve growth in North Chelmsford alongside areas of Maldon, Braintree and Uttlesford districts which are not currently well served by rail.
- 10.2. Significant funding for the project delivery was secured through the Housing Infrastructure Fund (HIF) and Essex County Council has entered into a Grant Determination Agreement (GDA) with Homes England, which sets out the terms of the funding. There are defined processes within the GDA that allow the contract conditions to be varied, subject to the agreement of Homes England.
- 10.3. The GDA covers the HIF funding for delivery of both Beaulieu Park Station and for the Chelmsford North-East Bypass project. The total HIF allocation awarded is £218m, which is split between the two projects as follows: Beaulieu Park Station £124.5m and Chelmsford North-East Bypass £93.5m.
- 10.4. The Board were advised at the January 2024 meeting, that although a solution to the risk involving the HIF funding had been identified, there was still the need for this to be formalised through the signing of a Deed of Variation.

#### 11. Project Update

11.1. Essex County Council is required to fund the project to the value of £8.418m. This is to be funded by identified mitigating reductions across the current Capital Programme, and is

- included in the final Capital Programme for 2024/25 which is due to be approved at the Full Council meeting on 13 February 2024.
- 11.2. The project is being delivered by Network Rail under a New Engineering Contract (NEC) Option E contract which is a cost reimbursable contract with Essex County Council liable to pay all reasonable costs incurred by the contractor. There is currently a risk allocation of £12.062m which represents 7% of the total project cost. This contingency is held by Network Rail to cover potential unforeseen risks.
- 11.3. Progress since the last update to the Board has been excellent, especially over the Christmas break when the railway line was closed and all expected works were completed, with minimal issues.
- 11.4. The Deed of Variation between Essex County Council and Homes England was completed on 21 December 2023. This removed a substantial risk to project delivery and the project is no longer flagged as High Risk in the LGF update report.
- 11.5. Work continues within the Chelmsford North-East Bypass project to obtain control of the land on which the bypass will be built. Proposed Heads of Terms were issued to the relevant landowners during September 2023, and one is outstanding but expected to finalise by February 2024.
- 11.6. Design, procurement activity and close integrated working with developers responsible for other infrastructure works in the immediate area have continued, including progress on two major pieces of enabling works; the conveyor bridge, which should complete by the end of February 2024 and the silt lagoon works where the tenders are being assessed. Tenders for Chelmsford North-East Bypass works have been issued, with a return date of 15 May 2024.

# 12. Project Risks

Table 4: Summary of key project risks

Risk	RAG rating (November 2023)	Change since last Board meeting	Current RAG rating (February 2024)	Progress & Actions
The HIF GDA jointly covers the Chelmsford North-East Bypass and Beaulieu Park Station projects and requires delivery of both elements to secure drawdown of the funding.	Amber		Green	Essex County Council completed the Deed of Variation with Homes England on 21 December 2023.
Maintaining satisfactory progress on the work during track possessions to avoid delays, associated costs, and the need for further periods of possession which are the highest areas of cost to the project.	Amber		Amber	The nine-day closure of the main line in December 2023/January 2024 was a success and all works expected to be completed were a success. The next longer period of closure will be over the Easter and May Bank Holiday break. The required possessions have been secured and planning for this is underway.

Notice of Default – Essex County Council has been in default since October 2022 and unable to claim back costs on the project.	Amber	Green	The Deed of Variation formalising the agreed proposals to remove the default has now been completed which removes this risk.
Level of Contingency – Contingency to cover risks has been included in costings for the station but Essex County Council has not had visibility or control over the application of contingency funds. Whilst the level of contingency is significant Essex County Council will have little control on how it is used. There is a risk that costs escalate beyond the current contingency level.	Amber	Amber	Network Rail report on use of contingency at project meetings. The Implementation Agreement contains provisions to allow for Essex County Council's visibility (although not control) of the use of contingency funds going forward.
Timescales for Delivery – Homes England have stated that no further extensions beyond the current deadlines of 31 March 2025 (the station) and 31 March 2026 (Bypass) will be granted. This means that any expenditure unclaimed by that date will have to be funded by Essex County Council.	Amber	Amber	Essex County Council has actively sought to increase visibility on the key decisions and drivers on how the project progresses and will now be represented at all project progress and risk assessment meetings. This monitoring will ensure that any delays or issues can be promptly addressed to ensure the project remains on schedule.

## 13. SELEP Key Risks

- 13.1. The HIF Deed of Variation has now been completed and removes a substantial risk from the project.
- 13.2. The total cost of delivering the project has already increased during the project life and the risk of further cost escalation is still a significant risk. This must be closely monitored to avoid budgetary issues in the future. Although the project costs are under the control of Network Rail, Essex County Council has secured the ability to monitor closely this critical element of the project.

# 14. Project Milestones

Table 5: Summary of key project milestones

Milestone	Milestone Completion Date (November 2023)	Milestone Completion Date (February 2024)	Change in milestone date (RAG rating)	Commentary (To include: % of milestone achieved to date)
Deed of Variation agreed and signed	November 2023	December 2023	Amber	100% Complete. Essex County Council completed the Deed of Variation with Homes England on 21 December 2023
Capital Programme Review completed and decision on source of £8.4m of funding required	January 2024	February 2024	Amber	Decision to be agreed at Full Council on 13 February 2024
Project completion date	December 2025	December 2025	Green	Ongoing. The contractor has indicated completion by December 2025

#### 15. Next Steps

- 15.1. J. Murphy & Son to continue construction work including the ongoing rail shutdowns associated with the project.
- 15.2. The focus of activity is on the works to be undertaken during the Easter and May Bank Holiday period where further possessions have been secured.
- 15.3. Chelmsford North-East Bypass section 1A detailed design and actions for Essex County Council to take control of the land to be progressed following issue of the Heads of Terms during September 2023. All agreements are expected to be finalised in February 2024.
- 15.4. Continuation of the conveyor bridge and silt lagoon works, both key enabling projects for the Bypass. The conveyor bridge is well advanced on site and due to be completed by the end of February 2024. The silt lagoons are currently being procured with tenders currently being assessed.
- 15.5. Tenders for Chelmsford North East Bypass works have been issued, with a return date of 15 May 2024.

**A28 Chart Road - Kent** (total LGF allocation £2.756m)

#### 16. Background

- 16.1. The A28 is the main route serving south and west Ashford. The route runs north-south on the western side of the town and connects to the A20/A292 to the north. The project scope includes the dualling of the A28 Chart Road carriageway with two lanes being provided in both directions between Matalan (Brookfield Road) and Tank (Templer Way) roundabouts, separated by a central island. A new bridge over the railway line is proposed to take the southbound traffic, with the existing bridge carrying the northbound traffic. The Matalan and Tank junctions will both be enlarged to accommodate increased capacity stemming from the carriageway upgrade. The project is linked with the Chilmington Green development, with the highway works required to support the development.
- 16.2. At the Board meeting on the 7 June 2019, it was agreed that there was compelling justification for SELEP not to recover the £2.829m LGF spent on the project to date.
- 16.3. The Board were advised at the January 2024 meeting that the project remains on hold whilst waiting for the Chilmington developer to reach their planning obligation to provide funding for the project, under the terms of the S106 agreement. This planning obligation is expected to be reached once 400 homes have been occupied on the site, however, it is understood that the developer has requested a change of terms in relation to the S106 agreement which may delay the trigger point for receipt of the required S106 contributions. Further clarification on this point is expected at this meeting.

#### 17. Project Update

17.1. Despite ongoing delays regarding the delivery of the project, Kent County Council have confirmed to SELEP that they remain committed to delivering this key strategic improvement. Traffic surveys undertaken in 2023 have shown that traffic congestion has worsened since the need for the improvement was identified as mitigation for the Chilmington Development in 2013, and therefore this project remains a very necessary

improvement to mitigate the traffic impacts from Chilmington. Kent County Council continue to work with Ashford Borough Council and Hodson Developments to find a solution that will unlock the delivery of the project.

- 17.2. Work has progressed in relation to a listed wall that requires relocation, with detailed design and commissioning of the works moving forward.
- 17.3. No milestones to delivery are provided with this project as currently the project remains on hold.

# 18. Project Risks

Table 6 – Summary of key project risks

Risk	RAG rating (November 2023)	Change since last Board meeting	Current RAG rating (February 2024)	Progress & Actions
Developers request to review the change of terms in relation to the S.106 agreement.	N/A	N/A	Amber	Kent County Council continue to work with Ashford Borough Council and Hodson Developments to find a solution that will unlock the delivery of the project

#### 19. SELEP Key Risks

- 19.1. It is unclear from the report what the issues are concerning the developer's request to review the change of terms in relation to the S106 agreement. It is hoped that the discussions currently being arranged between Kent County Council, Ashford Borough Council, and the developer (Hodson Developments) are positive and bring matters to a conclusion in order that the project can begin to move forward to a completion.
- 19.2. Kent County Council have confirmed their commitment to bring the project forward and complete delivery.

#### 20. Next Steps

- 20.1. Works to the listed wall to be actioned and completed in preparation for the wider scheme.
- 20.2. Discussions between Kent County Council, Ashford Borough Council and the developer will continue to work to find a solution that will unlock the delivery of the project.

<u>Purfleet Centre – Thurrock</u> (total LGF allocation £5m)

## 21. Background

- 21.1. The Purfleet Centre project is seeking to secure the comprehensive redevelopment of a 140-acre site to provide a new town centre for Purfleet featuring: c.2,500 new homes, a 600,000 sq ft film and television studio complex, and supporting infrastructure including a new primary school, health centre, supermarket, and community spaces within a high-quality public realm. The LGF funding was awarded to support the acquisition of the required land, and this element of the project has been completed and the LGF funding has been spent in full.
- 21.2. As has been reported previously, Thurrock Council have identified concerns regarding progress towards achieving the forecast project benefits. This primarily stems from the failure of Purfleet Centre Regeneration Limited (PCRL) (lead developer) to secure the funding required to bring forward the planned redevelopment of the site.
- 21.3. HIF funding totalling £75m was awarded to the project by Homes England, however, failure of PCRL to secure other required funding and associated delays in progressing delivery resulted in a material risk that the development milestones set out within the HIF GDA could not be achieved. The failure to meet the requirements of the GDA resulted in a significant risk that Homes England would invoke the provisions within the GDA and would withdraw the HIF funding and commence legal proceedings against Thurrock Council to clawback grant expenditure to date. In order to mitigate this risk, Thurrock Council Cabinet agreed to mutually withdraw, with Homes England, from the GDA in October 2023 thereby foregoing the drawdown of any further HIF funding.
- 21.4. The Board have previously been advised that work was continuing to address the funding situation and alternative funding options were being considered. The Board were previously advised that discussions were taking place with Homes England in relation to the English Cities Fund and this remains an option.

#### 22. Project Update

- 22.1. In January 2024 Thurrock Council finalised the termination of the HIF funding agreement with Homes England. Homes England had agreed to not clawback HIF funding already spent on the project to date.
- 22.2. Thurrock Council also terminated the Development Agreement with Purfleet Centre Regeneration Ltd. This means they will no longer be involved in the project.
- 22.3. Thurrock Council are in active discussion with alternative developers and identifying the most efficient procurement route to appoint a new partner to deliver the scheme.
- 22.4. Phase 1a1 is currently onsite and Sanctuary Housing Association is expected to complete this phase in April 2024 which will deliver 34 homes. Sanctuary Housing Association will also deliver Phase 1a2 which will deliver 27 homes.
- 22.5. The project is extensive with delivery over a protracted time period towards 2035. Thurrock Council have advised that expected benefits set out in the original Business Case are achievable.

# 23. Project Risks

Table 7 – Summary of key project risks

Risk	RAG rating (November 2023)	Change since last Board meeting	Current RAG rating (February 2024)	Progress & Actions
Inability to secure substantial funding to bring the project forward now that HIF has been returned.	N/A	N/A	Red	As set out in the report ongoing discussion are taking place with Homes England investigating alternative funding streams to bring the project forward. An options paper will be presented to the March 2024 Thurrock Cabinet meeting.
Inability to secure a development partner	N/A	N/A	Red	Thurrock Council is in active discussion with alternative developers and identifying the most efficient procurement route to appoint a new partner to deliver the scheme.

#### 24. SELEP Key Risks

- 24.1. The project is at a difficult stage with both HIF funding and a development partner no longer involved, albeit delivery of Phase 1a1 and 1a2 are progressing. Thurrock Council have advised that productive discussions are taking place with Homes England around potential funding opportunities and discussions around the best way to procure an alternative development partner.
- 24.2. A decision pertaining to both these elements will not be made until later in March 2024; any future monitoring of this project will be transferred to Thurrock Council, as the responsible upper tier local authority following the closure of SELEP through a Transition Agreement see Agenda item 13.
- 24.3. There remain considerable concerns as to whether the full suite of benefits set out in the original Business Case will be delivered. If this were to be the case, then the Value for Money envisaged by the project might fall below the requirements of the SELEP Assurance Framework which states that projects should have a Benefit Cost Ratio (BCR) of at least 2:1.

### 25. Next Steps

- 25.1. Thurrock Council will confirm the procurement route to appoint an alternate developer to deliver the scheme and its outcomes.
- 25.2. Ongoing dialogue with Homes England will continue.
- 25.3. It is understood that a report will be presented to the Thurrock Council Cabinet in March 2024 to update Members on progress to date.
- 25.4. Sanctuary Housing Association to complete Phase 1a1 in April 2024.

<u>A127 Fairglen Junction Improvements - Essex</u> (LGF allocation £15m) (DfT retained scheme) and <u>A127/A130 Fairglen Interchange New Link Road - Essex</u> (LGF allocation £6.235m)

#### 26. Background

- 26.1. The A127/A130 Fairglen interchange is the primary interchange to and from the Southend Central Area. Every weekday, the interchange carries over 110,000 vehicles in a 12-hour period. It suffers significant congestion and journey time delays during peak periods. The interchange comprises of the Fairglen roundabout at the junction of the A127 and the A1245 to the north of the interchange, and the Rayleigh Spur roundabout at the junction of the A130 and the A1245 to the south of the interchange.
- 26.2. The A127/A130 Fairglen Interchange scheme was awarded LGF funding following two successful bids:
  - 26.2.1. The £15m Local Growth Fund 1 (LGF1), Department for Transport (DfT) retained bid for the improvements to the A127 Fairglen Junction Improvements, and;
  - 26.2.2. The £6.235m Local Growth Fund 3 (LGF3), SELEP bid for the A130/A127 Fairglen Interchange new link road.

- 26.3. Although there were two separate bids for LGF and it was originally understood that the link road would come forward in advance of the main scheme, this was subsequently reviewed and both schemes now form one delivery project. However, funding from the A130/A1245 New Link Road has been fully spent on initial works as part of the overall project.
- 26.4. At the January 2024 meeting the Board were advised that Essex County Council had confirmed that all land matters were now resolved. All objections to the Compulsory Purchase Order had been removed, DfT has now confirmed the Order and the High Court Challenge Period expired with no challenge received.
- 26.5. A repricing of tenders had taken place and were being assessed by the project team.

#### 27. Project Update

- 27.1. The repricing exercise did not receive sufficient bids to continue the process. A new tender process, through the Pagabo Framework, will recommence in March 2024 and complete in June 2024.
- 27.2. Approval of the full Business Case and confirmation of the remaining LGF funding cannot be given by DfT until the agreed tender costs are fed into the Economic Case within the Business Case.
- 27.3. £1.5m of retained DfT funding has already been issued to Essex County Council through SELEP to develop the full Business Case.

# 28. Project Risks

Table 8 – Summary of key project risks

Risk	RAG rating (November 2023)	Change since last Board meeting	Current RAG rating (February 2024)	Progress & Actions
Going through another tender process could mean that costs could increase further.	N/A	N/A	Red	A 9 month delay will inevitably run the risk of increased costs, but this will be managed as closely as possible to minimise any increases.
No contractors may bid during further tender process.	N/A	N/A	Amber	The Pagabo Framework includes mandatory processes of submitting Expressions of Interest and rigorous engagement with contractors on the framework.
Reputational risk of further delays from the public.	N/A	N/A	Amber	Manage the process through media information

#### 29. SELEP Key Risks

- 29.1. The project has experienced a number of delays since LGF funding was allocated and it would seem that a further delay will risk further price increases.
- 29.2. There is a key reputational risk that this further delay will cause, and this will need to be managed through media networks.
- 29.3. The, A130/A127 Fairglen Interchange new link road, which has separately received LGF funding, to deliver a new link road, has been delayed. It is proposed that this work will now be undertaken as part of the larger A127 Fairglen Interchange works. It is noted that the LGF allocated to this project has been spent in full on preliminary works, including design works. Benefits associated with this element will not be achieved during the lifetime of SELEP.

## 30. Next Steps

- 30.1. The further tender process will recommence in March 2024 with tender returns due in July 2024. This will allow the Economic Case of the full Business Case to be completed and submitted to DfT for their approval of the Business Case.
- 30.2. Once completed and signed off by DfT the balance of the £15m DfT retained funding (£13.5m) will be released to Essex County Council, as the Upper Tier Local Authority whereas historically funding from the DfT would have been released to Essex County Council, as the Accountable Body for SELEP.

#### 31. Financial Implications (Accountable Body comments)

- 31.1. 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.
- 31.2. 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.
- 31.3. All LGF in respect of the projects considered in this report has been transferred to the respective Upper Tier Local Authority Partner; 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 the Partner Council.
- 31.4. There are, as identified in the report, a number of risks and uncertainties with delivery of all projects that should be considered. Following the closure of SELEP, oversight of delivery and management of these risks will be the responsibility of the Partner 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.

31.5. Given the potential risks associated with successful completion of these projects, with the forthcoming closure of SELEP, on-going monitoring by DLUHC is advised to ensure funding requirements and delivery expectations continue to be assured.

### 32. Legal Implications (Accountable Body comments)

The funding is administered in accordance with the Service Level Agreements in place between Essex County Council, as Accountable Body of SELEP, SELEP Ltd and the Partner Authority. The SLA contains provisions for monitoring and evaluating of the projects. The reporting requirements and grant funding conditions for LGF 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 and also require the Upper Tier Local Authorities to comply with any and all reporting requirements as notified to them by DLUHC.

### 33. Equality and Diversity Implications

- 33.1. 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:
  - 33.1.1. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act.
  - 33.1.2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - 33.1.3. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 33.2. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation.
- 33.3. 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.

#### 34. List of Appendices

- 34.1. Appendix A A28 Sturry Link Road Project Background Information
- 34.2. Appendix B Beaulieu Park Station Project Background Information
- 34.3. Appendix C Chart Road Project Background Information

- 34.4. Appendix D Purfleet Centre Project Background Information
- 34.5. Appendix E A127/A130 Fairglen Interchange Project Background Information

(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  Michael Neumann	12/02/2024
(on behalf of Nicole Wood, S151 Officer, Essex County Council)	

# **Appendix A - LGF Project Background Information**

Name of	A28 Sturry Link Road, Kent
Project	Kent County Council
Local Growth Fund (LGF) allocation	£5.9m - Awarded in June 2016
	The Project is for the delivery of the new link road between the A291 and A28, to the south west of Sturry, Canterbury. The LGF is due to contribute to the cost of constructing a bridge over a railway line and the Great Stour River, to enable traffic to avoid the Sturry level crossing and the congested road network in the area. The sections shown in red in Figure 1 below show the sections of road included as part of the scope of the LGF Project.  To connect the Project to the existing highway, the developers will be delivering a spine road through the new development site to
Description of what Project	connect the bridge with the A291 to the North East of the residential and commercial development. This connection is essential to enable traffic to use the new bridge funded as part of the LGF Project. The spine road to be funded and delivered by the developers is shown in blue in Figure 1.
delivers	Figure 1 A28 Sturry Link Road
	Signalised Junction to control traffic assignment  Signalised Junction to control traffic assignment  FIGURE 1  PROPOSED STURRY LINK ROAD  KCC to Design & Construct  KCC to Design & Construct  Covers of the construct of the con
	The overall objective of the Project is to tackle the existing congestion problem which currently exists at the Sturry level crossing and at the A28/A291 junction. Queuing traffic affects adjacent junctions and can extend 1km in peak periods. The A28 road currently carries 20,000 vehicles per day, but with 6 trains passing per hour, the level crossing is closed for up to 20 minutes/hour during peak times, causing severe

	congestion to	trips a	along	the A	28. T	his le	vel of	cong	estior	ı is a	major
	constraint on development to the north east of Canterbury.										
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	Dist	1100		Applic	ation in	Year (£m	)				
	Funding Source	Prior to	2021/22					2026/27	2027/28	2028/29	Total
		2021/22					2023/20	2020/21	2021/20	2020/29	
	Local Growth Fund	1.11	0.12	0.22	1.38	3.08 0.00	7.00	-6.00	-1.00	0.00	5.90 0.00
Funding	KCC forward funding Herne Bay S106	0.25				0.00	7.00	-0.00	-1.00	0.00	0.00
Package	Hopland S106	1.20							-1.20	0.00	0.00
rackage	Colliery Site s106					1.20	1.20	1.20	-1.00	-2.60	0.00
	Sturry S106					0.83	2.06	2.06	2.06	1.79	8.80
	Broadoak S106			0.17	2.06	2.06	2.06	2.06	0.39		8.80
	North Hersden S106					2.00	2.00	0.90	0.93	2.24	5.83
	Annual Total	2.56	0.12	0.39	3.07	9.53	14.32	0.22	0.18	-0.81	29.58
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# Appendix B - LGF Project Background Information

Name of	Beaulieu Park Station, Chelmsford				
Project	Essex County Council				
Local Growth Fund (LGF) Allocation	£12m - Awarded in February 2019				
	The new station is being proposed on the existing Great Eastern Main Line (GEML) on the eastern side of Beaulieu, 3 miles north east of Chelmsford, located adjacent to the A12/A138/B1137 junction 19 to serve the growth in North Chelmsford as well as wider growth in parts of Maldon, Braintree and Uttlesford districts not well served by rail.  Full detailed planning permission was granted by Chelmsford City				
Description of what Project Delivers	<ul> <li>Council in June 2022. The station will include:</li> <li>Three platforms with a central loop line and new tracks to enable stopping services to call at the station while allowing fast trains to pass through unimpeded.</li> <li>A footbridge between platforms with lifts.</li> <li>Single storey station building with retail units, staff and welfare facilities, public toilets and concourse area.</li> <li>Surface level 'premium' car parking for 243 cars and secondary surface level car park for 460 cars.</li> <li>35 designated Blue Badge bays and 2 extended spaces.</li> <li>500 spaces for cycle parking and storage.</li> <li>Parking for 50 motorcycles.</li> <li>A bus interchange for 8 buses with provision for 8 parking spaces for rail replacement buses.</li> <li>Dedicated taxi set down and pick up area with waiting shelter.</li> </ul>				
	The turnback / passing loop provides operational resilience and flexibility in a network that is heavily used and operating at near capacity. This scheme option gives Network Rail full operational ability to turn back trains in both directions and also allows trains to pass each other in both directions The station is proposed to be a rail head and would be used to start / terminate some of the services that today start / terminate at Chelmsford, to distribute demand effectively and to allow for services to be timetabled effectively.				
	The station will provide train services for residents and workers, support future business development and existing business activity, and will relieve pressure on Chelmsford station.				

Project Benefits	<ul> <li>Acceleration of planned new homes and jobs and their associated economic benefits</li> <li>Facilitation of dependent development - new homes and jobs and their associated economic benefits which otherwise could not happen</li> <li>Increase in fare box revenue for the railway</li> <li>Reduced congestion at Chelmsford station</li> <li>Reduced congestion in Chelmsford city centre at peak times (weekday and weekends)</li> <li>Improved access to the rail network for residents and businesses in the Heart of Essex not well served by rail</li> <li>Improved network resilience and reliability for train services using the Great Eastern Main Line.</li> </ul>					
Project Programme	Project Milestone  Beaulieu Park Station Mobilisation and Construction Start Date  Signing Second Implementation Agreement between ECC and Network Rail  Completion of Variation Agreement with Homes England Handover of station into service  Current Programme as at February 2024  Q3 2022/23  Q3 2022/23  Duly 2023  December 2023					
Current Project Constraints	<ul> <li>The total cost of delivering the project will need to be clos controlled and monitored over the duration of the project.</li> </ul>	sely				
Link to Project Webpage	nttps://www.southeastlep.com/project/beaulieu-park-railway- station/					

# **Appendix C - LGF Project Background Information**

Name of	A28 Chart Road, Kent
Project	Kent County Council
Local Growth Fund (LGF) allocation	£10m – Awarded in February 2016 Revised allocation £2.756 - Retained in June 2019
Description of what	The A28 is the main route serving south and west Ashford. The route runs north-south on the western side of the town and connects to the A20/A292 to the north. The project scope includes the dualling of the A28 Chart Road carriageway with two lanes being provided in both directions between Matalan (Brookfield Road) and Tank (Templer Way) roundabouts, separated by a central island. A new bridge over the railway line is proposed to take the southbound traffic, with the existing bridge carrying the northbound traffic. The Matalan and Tank junctions will both be enlarged to accommodate increased capacity stemming from the carriageway upgrade. The project is linked with the Chilmington Green development, with the highway works required to support the development.
Project delivers	A project update was considered by the Board on 7th June 2019 in line with the requirement for all high risk projects to be considered by the Board before the end of June 2019. The project update indicated that whilst Kent County Council has undertaken substantial work towards the delivery of the project, there remained a significant risk in relation to the developer contributions towards the delivery of the project. The Chilmington Green developer contributed towards the development of the project and was due to fund the remaining construction costs of the project. It was agreed that Kent County Council would forward fund the developer contribution to the delivery of the project, with the developer repaying Kent County Council over a ten year period. A security bond was required from the developer in order to safeguard Kent County Council against any risk of non-repayment and to recover interest charges. Due to the failure to receive a security bond from the developer being forthcoming the project was put on hold by Kent County Council, as they did not have the financial security to forward fund the project
	At that time, a total of £2.756m of the £10.2m LGF funding allocation had been spent on the project. Kent County Council confirmed that this would remain as capital expenditure as there remains a need for the delivery of the project to enable construction of the 5,750 homes planned at the Chilmington Green site. At the meeting on 7th June 2019 the Board agreed that the project should be put on hold and that there was compelling justification for SELEP not to recover the £2.756m LGF funding spent on the project to date.

	The Board also agreed that unless Kent County Council were able to provide written confirmation that the local funding was in place by 27th June 2019, the remaining LGF allocation of £7.444m should be reallocated through the LGF project pipeline. It was confirmed by Kent County Council on 28th June 2019, that the local funding package was not in place. Therefore, the remaining LGF allocation has been reallocated.
	The proposed Chilimington Green development is located approximately 6km to the south west of Ashford town centre and lies to the east of the A28 corridor. A planning condition has been imposed by Kent County Council that the A28 will require upgrading in order to carry the expected level of demand attributable to the Chilmington Green development. The development will comprise:
Project benefits	<ul> <li>Up to 5,750 dwellings;</li> <li>Up to 10,000 sqm of B1 use class;</li> <li>Up to 9,000 sqm of A1-A5 use classes;</li> <li>Three primary schools for up to 1,200 pupils; and</li> <li>A site for a Secondary School for up to 1,080 pupils.</li> </ul> The approved Business Case for the project presented the following
	<ul> <li>objectives:</li> <li>Provide additional capacity on the road network to improve traffic flow</li> <li>Alleviate congestion along the A28 Chart Road</li> <li>Improve journey time reliability along the A28 Chart Road.</li> <li>Improve road safety along the A28 Chart Road.</li> <li>Reduce environmental impacts for local residents.</li> <li>Support the economy by supporting the delivery of houses and jobs.</li> </ul>
Project constraints	The developers request to review the change of terms in relation to the S.106 agreement. Kent County Council are continuing to liaise with Ashford Borough Council and Hodson Developments to find a solution.
Link to Project webpage	https://www.southeastlep.com/project/a28-chart-road/

# **Appendix D - LGF Project Background Information**

Name of	Purfleet Centre, Thurrock
Project	Thurrock Council
Local Growth Fund (LGF) allocation	£5m - Awarded in June 2016
Description of what Project delivers	The Purfleet Centre project seeks to secure the comprehensive redevelopment of a 140 acre site to provide a new town centre for Purfleet featuring; c.2,500 new homes a 600,000 sq ft film and television studio complex, and supporting infrastructure including a new primary school, health centre, supermarket, and community spaces within a high quality public realm. In total it is anticipated that the development will create around 2,700 new jobs (direct and indirect but excluding construction jobs).  £75m of Homes England HIF was awarded to the project.  The LGF funding was awarded to support the acquisition of the required land, and this element of the project has been completed and the LGF funding has been spent in full.
Project benefits	<ul> <li>In terms of the measurable outputs being secured through this scheme; there will be:</li> <li>1,835 new homes which will include terrace houses, apartments and maisonettes and the acceleration will allow these to be delivered earlier.</li> <li>2,652 gross direct jobs created through development and with acceleration these will be created sooner.</li> </ul>
Project constraints	<ul> <li>HIF funding has been removed from the project and Thurrock Council are currently in the process of identifying alternative funding partners.</li> <li>The Development Agreement with the original delivery partner Purfleet Centre Regeneration Ltd has now been terminated. Thurrock Council are currently in active discussions with alternative development partners.</li> </ul>
Link to Project webpage	https://www.southeastlep.com/project/purfleet-centre-project/

# **Appendix E - LGF Project Background Information**

	A127 Fairglen Interchange junction improvements					
Name of Project						
110,000	Essex County Council					
Local Growth Fund (LGF)	£1.5m - Released in June 2019 at the request of the Department for Transport (for development of business case)					
allocation	£13.5m – Awarded in February 2021 by the Board subject to final approval of the project by the Secretary of State					
	The proposed scheme is designed to increase the capacity of the Fairglen Interchange, reduce travel times, address existing safety concerns, and improve pedestrian and cycling connectivity. It involves:					
Description of what Project delivers	<ul> <li>Widening the A127 Westbound diverge slip road onto Fairglen roundabout.</li> <li>Constructing additional and longer slip lanes on the A127 Eastbound slip.</li> <li>Providing a third lane southbound between Fairglen Roundabout and Raleigh Spur Roundabout.</li> <li>Improving the Rayleigh Spur Roundabout, including signal control.</li> <li>Removal of the existing bypass lane at Rayleigh Spur Roundabout.</li> <li>Constructing a new bridge for pedestrians and cyclists to the south of Fairglen Roundabout.</li> <li>Improving the geometric design of the Interchange generally, providing improved lines of sight and visibility for motorists.</li> <li>Updating signage and speed limits</li> <li>Part of the wider scheme is the A127/A130 Fairglen Interchange Link Road Project (the Link Road project). This was brought forward as a standalone project and was approved for investment by the Board in February 2019.</li> </ul>					
	Connectivity to accommodate/manage future travel demands to					
Project benefits	<ul> <li>facilitate proposed growth in South Essex.</li> <li>Improved opportunities for residents and employees in South Essex to access alternative modes of transport.</li> <li>Better safety at the junction through improved design, changes to signage, speed limits and visibility.</li> <li>Increased resilience of the highways network and reliability of journey times through better management of congestion at peak times and during maintenance and incidents.</li> </ul>					
Project constraints	<ul><li>The key programme dependencies and risks are:</li><li>Approval of the full Business Case by DfT</li></ul>					

	A successful contractor tender process. Business Case cannot be
	approved until this stage is complete.
	Successful liaison with the local communities ensuring they are
	included in regular updates through the scheme's development.
Link to	
Project	https://www.southeastlep.com/project/a127-fairglen-interchange/
webpage	