

Report title: Beaulieu Park Station LGF Project Update	
Report to: Accountability Board	
Report author: Gary Macdonnell, Network Coordinator, Essex County Council and Leslie Rickerby, SELEP Capital Programme Officer	
Meeting date: 22 September 2023	For: Information
Enquiries to: leslie.rickerby@southeastlep.com	
SELEP Partner Authority affected: Essex	

1. Purpose of report

- 1.1. The purpose of this report is for the Accountability Board (the Board) to receive an update on the Beaulieu Park Station Local Growth Fund (LGF) project (the Project) which has been identified as High risk.

2. Recommendations

- 2.1. The Board is asked to:
- 2.1.1. **Note** the update on the Project and the risks to project delivery which have been identified.
- 2.1.2. **Note** a further update on the Project will be brought to the November 2023 Board meeting which will include an update on all aspects of the Project.

3. Background

- 3.1. The Project seeks to bring forward a new railway station in Chelmsford. The new station will be sited 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 which are not currently well served by rail.
- 3.2. The award of £12m LGF funding to support delivery of the Project was agreed by the Board in February 2019. To date, none of the LGF funding has been spent. It was agreed by the Board at their meeting on 3 July 2020 that slippage of £12m LGF spend on the Project to 2025/26 would be accepted. This extension to LGF spend was agreed due to Essex County Council's successful application for Housing Infrastructure Fund (HIF) funding to support project delivery and the tight timelines for spend applied to this funding.
- 3.3. As referenced above, a substantial amount of the funding for project delivery has been secured through the HIF, administered by the Department for Levelling Up, Housing and Communities (DLUHC). Essex County Council has entered into a comprehensive Grant Determination Agreement (GDA) with Homes England in relation to the HIF funding. The

GDA sets out the terms of the funding and the deliverables for the Project including various warranties, conditions precedent and milestone dates that must be achieved by Essex County Council in order for the funding to be released. There are defined processes within the GDA that allow the contract conditions to be varied, subject to the agreement of Homes England.

- 3.4. The GDA covers the total amount of HIF funding secured by Essex County Council for delivery of Beaulieu Park Station (the Project) and for the Chelmsford North-East Bypass project from a bid submitted in March 2019. 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.
- 3.5. The GDA joins the Beaulieu Park Station (the Project) and Chelmsford North-East Bypass projects together, which means that if one of the projects fails, Homes England could terminate the agreement and withdraw any unclaimed funding. If the Bypass doesn't progress Homes England could stop financial support to the Project meaning Essex County Council would need to fund or locate alternative funding to complete the scheme.

4. Project Update and Closure of Recent Key Risks

- 4.1. Work to deliver the Project started on site on 4 January 2023. Work has progressed in line with the project programme and the station is due to open, as planned, in 2025. Several factors have increased the costs of the Project by £15.9m. The total cost of delivering the Project now stands at £173m. The latest Essex County Council Cabinet Member Approval (CMA) report seeking approval to enter into contract with Network Rail can be found [here](#).

HIF Funding and links to the Chelmsford North-East Bypass

- 4.2. The Project is allied to the delivery of the Chelmsford North-East Bypass project to provide the full transport infrastructure requirements and conditions for Housing growth as outlined in the HIF GDA.
- 4.3. It has been necessary to extend the time for the delivery of the Bypass and agree it can be delivered in phases as the arrangements set out in the GDA are not possible. Owing to this, Essex County Council received notification from Homes England that it was in default of the GDA in October 2022.
- 4.4. Essex County Council officers have been working with Homes England to rectify the default. Essex County Council submitted a proposal in June 2023 with the main change seeking permission for a phased delivery of Chelmsford North-East Bypass (with the first phase, Section 1A, being delivered by 2026, representing an increase in time allowed from the original GDA).
- 4.5. Essex County Council received confirmation from Homes England on 27 July 2023 that this proposal was acceptable for rectification of the default and the Council will now enter into a Deed of Variation to the GDA to formally record the agreement.
- 4.6. In addition to the agreement for phased delivery of the Bypass, Homes England also agreed to increase the HIF grant by £7.5m to cover part of the cost increases on the Project.

Second Implementation Agreement

- 4.7. The contract for the construction work has been split into two parts. This was to mitigate the financial exposure of Essex County Council to the potential of challenge to the Network Change process. The second Implementation Agreement was due to be in place by the end of March 2023. The second Implementation Agreement was completed on 1 August 2023. This allowed Network Rail to complete the construction contracts with the contractor, J Murphy & Sons Ltd on the 14 August. The risks associated with this delay, mainly the potential for delays to crucial track possessions over the upcoming Christmas/New Year period were successfully mitigated.

Track Possessions

- 4.8. A key risk reported to the Board was around the requirement for a number of track possessions needing to be agreed to allow current work streams to progress. There was uncertainty around track possessions for the critical Christmas/New Year period later this year.
- 4.9. These possessions are critical to the timely delivery of the project. Key slots were programmed for Christmas 2023 and Easter 2024. These were at risk without the signing of the second Implementation Agreement.
- 4.10. This risk has now been mitigated and confirmation received that these slots have been booked and are available for the contractor to carry out crucial railway interventions.

5. Update on Project Costs

- 5.1. The forecast cost for the Project is £173m, which includes the Network Rail risk fee of £1m (which is profiled into 2023/24) and also includes Essex County Council fees and staff time – for example, early-stage design fees. The majority of these staff costs (£700,000) have already been incurred in prior years. The current Capital Programme allocation and funding envelope is £157.07m; however, Homes England have agreed to increase the HIF grant award by £7.5m, meaning that the new funding envelope is £164.57m.
- 5.2. In July 2023 through a CMA Report, it was agreed that £15.9m would be added to the Capital Programme for the Project for the financial year 2025/26, to be funded from the £7.5m additional HIF capital grant, awarded by Homes England, and £8.4m from the Future Capital Funding reserve, pending a review of the Capital Programme.
- 5.3. Essex County Council is required to fund the remaining £8.4m and it has been recommended that this is funded by identifying mitigating reductions across the current Capital Programme through a full capital review to be undertaken in Autumn 2023. Pending this review £8.4m has been earmarked within the Future Capital Funding reserve to ensure that there is a secure funding strategy in the short term.
- 5.4. 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. Essex County Council cannot draw on this contingency and therefore it cannot be used to address the £8.4m funding gap. The changes

Beaulieu Park Station LGF Project Update


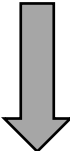
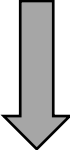
to funding and forecast of the capital scheme requested in relation to Beaulieu Park Station are as follows:

Table 1: Financial Breakdown

Current Forecast	Prior Year Spend	2023/24 Forecast	2024/25 Forecast	2025/26 Forecast	2026/27 Forecast	Total
	£000	£000	£000	£000	£000	£000
Beaulieu Park Station	26,314	54,280	74,380	18,040	-	173,014
Total	26,314	54,280	74,380	18,040	-	173,014
HIF Grant Allocation	21,987	54,280	54,337	1,396	-	132,000
SELEP LGF			12,000	-	-	12,000
S106 Contributions	4,327		8,043	8,200	-	20,570
Total Funding	26,314	54,280	74,380	9,596	-	164,570
Unfunded Gap	-	-	-	8,444	-	8,444

6. Project Risks

Table 2: Summary of key project risks and milestones

Risk	RAG rating (June 2023)	Change since last Board meeting	Current RAG rating (September 2023)	Progress & Actions
Confirmation of track possessions required to avoid delivery delays.	Green		Green	Following signing of the second Implementation Agreement, confirmation has been received that these slots have been booked and are available for the contractor to carry out crucial railway interventions. Prior to the signing of the Implementation Agreement, these possessions were scheduled but could not be confirmed.
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.	Red		Amber	Essex County Council submitted a proposal in June 2023 and received confirmation from Homes England on 27 July 2023 that this proposal was acceptable. Homes England also agreed to increase the HIF grant by £7.5m. Work is ongoing to complete a Variation to the GDA which will formalise the changes.
Second Implementation Agreement: Essex County Council was required to enter into a second Implementation Agreement to take the Project through to its conclusion.	Red		Green	Essex County Council has entered into the second implementation agreement, signed on 1 August 2023.

Beaulieu Park Station LGF Project Update

<p>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.</p>	<p>Newly Identified Risk</p>	<p>N/A</p>	<p>Amber</p>	<p>The most important possession planned is a proposed nine-day closure of the main line in December 2023/January 2024. The first series of possessions (11) have been completed successfully without any issues reported.</p>
<p>Notice of Default – Essex County Council has been in default since October 2022 and unable to claim back costs on the Project. Whilst the proposals to remove the default have been agreed these are subject to formalisation within a Deed of Variation.</p>	<p>Newly Identified Risk</p>	<p>N/A</p>	<p>Amber</p>	<p>The initial contract conditions have been received from Homes England and are being reviewed. Legal discussions will start imminently and will hopefully reach a satisfactory conclusion by the end of the calendar year.</p>
<p>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.</p>	<p>Newly Identified Risk</p>	<p>N/A</p>	<p>Amber</p>	<p>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.</p>

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<p>Timescales for Delivery - Homes England have stated that no further extensions beyond the current deadlines of 31 March 2025 (the Project) 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.</p>	<p>Newly Identified Risk</p>	<p>N/A</p>	<p>Amber</p>	<p>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.</p>
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Beaulieu Park Station LGF Project Update

	Milestone Completion Date (June 2023)	Milestone Completion Date (September 2023)	Change in milestone date (RAG rating)	Commentary (To include: % of milestone achieved to date)
Clarity on progress and links with Chelmsford North East Bypass	September 2023	27 July 2023	Green	100% Complete. Essex County Council submitted a proposal in June 2023 and received agreement in principle from Homes England on 27 July 2023.
Securing approval for track possessions for the Christmas 2023/New Year 2024 period	16 May 2023	27 July 2023	Amber	100% Complete. Confirmation has been received that these slots have been booked and are available for the contractor to carry out crucial railway interventions.
Completion of the signing of the second Implementation Agreement with Network Rail	28 July 2023	1 August 2023	Amber	100% Complete. Signed on 1 August 2023 allowing Network Rail to complete the construction contract with the contractor, J Murphy & Sons Ltd, on 14 August 2023.
Deed of Variation agreed and signed	N/A	November 2023		Ongoing. Essex County Council has received initial letters commencing the process during August 2023 and work is progressing to meet this milestone in November 2023.
Capital Programme Review completed and decision on source of £8.4m of funding required	N/A	November 2023		Ongoing. Dates for the Capital Review are being agreed internally within Essex County Council with a view to determining the funding strategy for the Project by the end of November 2023,
Project completion date	June 2025	June 2025	Green	Ongoing. There is no change to the expected completion date from what was reported to the June 2023 Board meeting.

7. Next Steps

- 7.1. J. Murphy & Son to continue construction work including the ongoing rail shutdowns associated with the Project.
- 7.2. Chelmsford North-East Bypass section 1A detailed design and actions for Essex County Council to take control of the land to be significantly progressed, with revised tender documents being produced.
- 7.3. 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 the silt lagoons need to be procured.
- 7.4. Essex County Council and Homes England to complete the Deed of Variation to formally remove the default on the HIF contract.

8. SELEP Comments

- 8.1. The report advises that there has been good progress towards resolving the key risks that were previously identified:
 - 8.1.1. The changes to the HIF GDA jointly covering the Chelmsford North-East Bypass and Beaulieu Park Station projects to mitigate the default notice have now been agreed in principle;
 - 8.1.2. A second Implementation Agreement with Network Rail has now been signed; and
 - 8.1.3. Track possessions, specifically for the December 2023/January 2024 have been fully secured. These were at risk prior to the signing of the second Implementation Agreement but have now been confirmed.
- 8.2. These are positive steps in moving the Project forward, however, the HIF Deed of Variation will still need to be formally signed before the risk associated with the HIF can be considered to be fully resolved. Currently, there is still a risk that this may not be realised.
- 8.3. As reported previously, there is still a significant risk surrounding the contractual arrangement in relation to the HIF funding which has been secured by Essex County Council. The GDA with Homes England links the Project and the Chelmsford North East Bypass project, which means if one project fails, Homes England could terminate the agreement and withdraw any unclaimed funding.
- 8.4. Satisfactory progress on the work during the track possession periods needs to be maintained in order to avoid potential cost escalation. Progress must be carefully monitored and mitigated if necessary to minimise any delays.
- 8.5. The positive steps that have recently been taken for Essex County Council to have more visibility of the Project, and of the contingency funds in particular, is reassuring, although the Council will still need to maintain close links with Network Rail to monitor the Project effectively.
- 8.6. Homes England have stated that no further extensions beyond the current deadlines will be granted. If Essex County Council are able to meet the timelines set out by Homes England, then the funding will therefore be at risk and alternative funding sources would be

required. Essex County Council will need to closely monitor the construction progress to limit the possibility of being in a position where either the Project or the Chelmsford North East Bypass project do not meet the required timescales. In the event that the HIF Funding was returned and no alternatives could be identified, the Board may be asked to consider removing the Project from the LGF programme and seeking return of the LGF funding as the Project could no longer be delivered as agreed.

- 8.7. Essex County Council have indicated that they have earmarked £8.4m of the Future Capital Funding reserve to cover the Project's remaining funding gap, prior to carrying out a review of the current Capital Programme to identify mitigating reductions which could fund the Project instead. The review exercise has not yet been completed and so this position could be subject to change should there be insufficient options for reduction, in which case the reserve will be needed.
- 8.8. The total cost of delivering the Project now stands at £173m, an increase of £15.9m. The main reasons for the cost increase relate to design development changes in construction methodology and inflation as detailed in the CMA (link in Section 4.1 above). The risk of further cost escalation is significant, so close monitoring and reporting is required to give confidence that sufficient funding continues to be available to complete the project.
- 8.9. A further report should be presented at the November 2023 Board Meeting to provide a project update on all aspects of the Project and, in particular, to update on the status of the Deed of Variation, the capital programme review scheduled for Autumn 2023 and the progress towards finalising how the remaining £8.4m funding required is to be funded.

9. Financial Implications (Accountable Body comments)

- 9.1. There are a number of complex challenges and on-going financial risks set out in the report in respect of completion of the Project. In addition, there remain risks with this, as with all projects, due to the impact of Brexit, COVID-19, the on-going economic uncertainty and inflation. The Board are therefore advised to continue to monitor delivery progress and ensure that appropriate mitigations are in place with respect to risk management.
- 9.2. Essex County Council, as the Accountable Body, is responsible for ensuring that the LGF funding is utilised in accordance with the conditions set out by Government for use of the Grant.
- 9.3. All LGF in respect of this Project was transferred to Essex County Council, as the Project Lead Authority, under the terms of a Service Level Agreement (SLA) which makes clear that funding can only be used for Project delivery, in line with the agreed terms. It is also clear that ensuring sufficient funding is secured to support delivery of the Project is the responsibility of Essex County Council.
- 9.4. The Agreement also set out the circumstances under which funding may have to be repaid should it not be utilised in line with the conditions of the grant or in accordance with the Decisions of the Board.

10. Legal Implications (Accountable Body comments)

- 10.1. 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 Project Lead Authority. The SLA contains provisions that permit the Accountability Board to take a

decision to require funding is repaid (either in all or in part) if the Project Lead Authority fails to deliver the project in accordance with the business case, a project is changed and the Accountability Board decline to agree the change or if the project can no longer meet the grant conditions.

11. Equality and Diversity Implications

11.1. 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:

11.1.1. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act.

11.1.2. Advance equality of opportunity between people who share a protected characteristic and those who do not.

11.1.3. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

11.2. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation.

11.3. 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.

12. List of Appendices

12.1. Appendix A – LGF 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 (on behalf of Nicole Wood, S151 Officer, Essex County Council)	13/09/2023

Appendix A - LGF Project Background Information

Name of Project	Beaulieu Park Station, Chelmsford Essex County Council
Local Growth Fund (LGF) Allocation	£12m - Awarded in February 2019
Description of what Project Delivers	<p>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.</p> <p>Full detailed planning permission was granted by Chelmsford City Council in June 2022. The station will include:</p> <ul style="list-style-type: none"> • 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. • A footbridge between platforms with lifts. • Single storey station building with retail units, staff and welfare facilities, public toilets and concourse area. • Surface level 'premium' car parking for 243 cars and secondary surface level car park for 460 cars. • 35 designated Blue Badge bays and 2 extended spaces. • 500 spaces for cycle parking and storage. • Parking for 50 motorcycles. • A bus interchange for 8 buses with provision for 8 parking spaces for rail replacement buses. • Dedicated taxi set down and pick up area with waiting shelter <p>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.</p> <p>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.</p>

Project Benefits	<ul style="list-style-type: none"> • Acceleration of planned new homes and jobs and their associated economic benefits • Facilitation of dependent development - new homes and jobs and their associated economic benefits which otherwise could not happen • Increase in fare box revenue for the railway • Reduced congestion at Chelmsford station • Reduced congestion in Chelmsford city centre at peak times (weekday and weekends) • Improved access to the rail network for residents and businesses in the Heart of Essex not well served by rail • Improved network resilience and reliability for train services using the Great Eastern Main Line.
Current Project Constraints	<ul style="list-style-type: none"> • Current contractual interface between Chelmsford North East Bypass and Beaulieu Park Station, which requires both projects to progress if HIF funding is to be drawn down. • Current funding gap of £8.4m. A plan is in place to resolve but this has yet to be implemented so the gap exists at this time.
Link to Project Webpage	https://www.southeastlep.com/project/beaulieu-park-railway-station/

Report title: A28 Sturry Link Road LGF Project Update Report	
Report to: Accountability Board	
Report author: Kerry Clarke, Senior Project Manager - Major Capital Programme Team, Kent County Council and Leslie Rickerby, SELEP Capital Programme Officer	
Meeting date: 22 September 2023	For: Information
Enquiries to: leslie.rickerby@southeastlep.com	
SELEP Partner Authority affected: Kent	

1. Purpose of report

- 1.1. The purpose of this report is for the Accountability Board (the Board) to receive an update on the A28 Sturry Link Road Local Growth Fund (LGF) project (the Project), which has been identified as High Risk.
- 1.2. The Board previously agreed that updates on project delivery should be presented at alternate meetings but that should there be any significant developments or new risks identified that the Project would revert to providing update reports at each Board meeting. Prior to the last Board Meeting, a risk arose which impacted on the programme for completing the required land acquisition and therefore, until this risk has been mitigated, the Project has reverted to provision of updates at each Board meeting.

2. Recommendations

- 2.1. The Board is asked to:
 - 2.1.1. **Note** the update on the project, specifically:
 - 2.1.1.1. that conclusion of the negotiations between the developer and land owner on the Sturry site has been delayed;
 - 2.1.1.2. the design and build contract is due to be signed in September 2023.
 - 2.1.1.3. the delay to the publication of the Compulsory Purchase Order which is now expected by the end of October 2023.
 - 2.1.1.4. the update on the status of the planning application for the North Hersden development, and the revised date for determination of the planning application (December 2023).
 - 2.1.2. **Note** that a further update will be brought to the November 2023 Board meeting which will provide a full update on the status of the Project.

3. Summary Position

- 3.1. The Project involves the delivery of a new link road between the A291 and A28, to the southwest of Sturry, Canterbury. The LGF is due to contribute to the cost of constructing 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. The Board approved the award of £5.9m LGF to the Project in June 2016 but delivery of the Project has progressed at a slower rate than expected due to planning complications and other delivery risks.
- 3.3. In November 2021, the Board agreed that the deadline for the completion of the required land acquisition could be extended from 31 March 2023 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 that although the procurement of the Design and Build contractor was well advanced and an award of contract was expected to be confirmed shortly after the meeting, other risks had arisen which were impacting on delivery of the Project. The Board were advised that required environmental surveys were ongoing and would continue as a mitigation strategy was being put into place. The Board were also advised of a risk in relation to the Sturry development - details of which were set out in a confidential appendix. This risk had resulted in a significant delay to the publication of the Compulsory Purchase Order (CPO) and thereby had pushed the timeline for the completion of the land acquisition out beyond the previously agreed completion date of 31 August 2023.
- 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.
- 3.6. At the July 2022 meeting, the Board were advised that the current workstreams, including land acquisition and procurement of a Design and Build contractor, were subject to extended programmes and therefore there was a high likelihood of there being no significant progress to report if update reports continued to be tabled at each Board meeting. The Board agreed that updates should be provided at alternate meetings, as long as no significant new risks were identified.
- 3.7. Following the identification of new risks in April 2023 (as set out in Section 3.4 of this report), the Project has reverted to providing updates at each Board meeting. This will continue until the identified risks have been satisfactorily mitigated.

4. Project Update

- 4.1. The Board were previously advised that site clearance and environmental mitigation works would continue and would be used to discharge planning conditions. The presence of beavers identified along the section of the river Stour through Sturry meant that additional surveys were being planned to better understand their activity around the area of the Project. 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 required a mitigation strategy that was being put in place and would last for the duration of the Project, including construction. This work is ongoing.

A28 Sturry Link Road LGF Project Update report

- 4.2. The notification to award the Design and Build contract was issued on 21 April 2023. There have been delays in signing the contract, with this now expected to be achieved in September 2023. A verbal update on the status of the Design and Build contract will be provided at the meeting. The contract has a break clause between the design and construction phases that could be implemented if necessary.

Dependent developments

- 4.3. There are three main dependent development sites which are unlocked as a result of the delivery of the full length of the Sturry Link Road (including the section being delivered by the developer of the Sturry site and the section being delivered by Kent County Council (the Project)); and each development has a commitment in place to financially contribute to the delivery of the Project. The developments are set out below:

4.3.1. Broad Oak

- 4.3.1.1. This development continues to be built out and instalments of Section 106 (S106) funds are being paid to Kent County Council.
- 4.3.1.2. Construction commenced in 2022, with the first 28 dwellings having been built including 15 legal completions by May 2023.

4.3.2. Sturry

- 4.3.2.1. As reported at the April 2023 Board meeting, 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.
- 4.3.2.2. Although the Heads of Terms have been agreed between the promoter of the Sturry site and the housebuilder, including a commitment to deliver the part of the Sturry Link Road which runs through the development, issues have arisen as set out to the Board in a confidential appendix at the April 2023 meeting. It was reported that these negotiations would be concluded by the end of June 2023, however the deal is still to be completed. A further update will be given at the November 2023 meeting.

4.3.3. North Hersden

- 4.3.3.1. At the June 2023 meeting, the Board were advised that a planning application had been submitted to Canterbury City Council for determination with a decision expected in September 2023. This is now unlikely as there is still a need to resolve nutrient neutrality issues with Natural England. Nutrient neutrality is a means of ensuring that a development plan or project does not add to existing nutrient burdens within catchments, so there is no net increase in nutrients as a result of the plan or project. Canterbury City Council cannot determine the planning application until the nutrient neutrality issue has been mitigated with Natural England. The revised date for a decision is December 2023.
- 4.3.3.2. A S106 agreement will be required in line with the agreed Heads of Terms between the developer permission Homes and Kent County Council. This will obligate the developer to contribute financially to the Project.

- 4.3.3.3. 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. The decision on planning does not affect the publication of the CPO.

Land acquisition – CPO and Voluntary Negotiation

- 4.4. The Board were updated on the need to delay the publication of the CPO at the meeting in April 2023. This necessitated an agreement from the Board to extend the period for the completion of land acquisition from 31 August 2023 to 7 April 2025. Publication of the CPO was pushed out to September 2023 due to, primarily, the ongoing negotiations between the developer and landowner of the Sturry site around how planning conditions would be met. Although the Sturry negotiations are not yet completed; work has continued with preparing the CPO for publication and it is likely that this will be enacted in October 2023 ahead of the resolution of the negotiations with the Sturry developer and land owner if necessary.
- 4.5. In the meantime, Carter Jonas are leading on the voluntary land acquisition negotiations with impacted landowners and as previously reported to the Board it is expected that the majority of the required land can be acquired through voluntary negotiation.

5. Delivery Programme

- 5.1. The pressures on the programme are around;
 - 5.1.1. Delays in the Sturry site development coming forward.
 - 5.1.2. Delays in the planning process, in particular the determination of the North Hersden development which has been further delayed until the end of 2023. The main cause of this delay is down to additional constraints added by Natural England during the preparation of the application.
 - 5.1.3. Timing of the receipt of developer contributions which is linked to the delays referenced at 5.1.1 above.
- 5.2. The key dates from the current programme are listed in Table 2. All opportunities to bring the programme forward will continue to be explored including the identification of any funding opportunities available to reduce the level of forward funding required by Kent County Council and progressing with the voluntary negotiations for the land acquisition.
- 5.3. The construction start date has been timed to align with the Sturry development coming forward and the delivery of the link road through the development site. This will prevent delivering a “road to nowhere” as all the infrastructure will be delivered together.
- 5.4. The programme identifies a 6 month period between the approval of design and price and the commencement of works. The developer contributions will provide a buffer against inflation costs during this period, material prices have been rising faster than inflation but it is understood that the pressures on material costs are now falling back in line with inflation. There is a contingency within the revised budget to cover increased costs and Kent County Council will continue to look at value engineering through the detailed design phase to reduce project costs. Additional S106 funding could be used to cover any funding shortfall should prices rise prior to construction commencing, from adjacent developer contributions.

6. Finances

- 6.1. The tender returns have come in higher than the budget allowance for the Project, however this is offset by the indexation on the developer contributions that will mirror any further inflationary pressures.
- 6.2. 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.
- 6.3. Sufficient developer contributions and the LGF funding are banked to enable the design phase of the design and build contract to proceed.
- 6.4. The spend profile is shown at Table 1. This shows that LGF spend has moved out to 2024/25 alongside the proposed extended programme.
- 6.5. The £1.6m 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 considered unlikely at this stage.

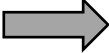


Table 1: Financial Breakdown

Funding Source	Application in Year (£M)									
	Prior to 2021/22	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Total
Local Growth Fund	1.11	0.12	0.22	1.60	2.85	0.00	0.00	0.00	0.00	5.90
Kent County Council Forward Funding					3.00	4.00	-6.20	-0.80		0.00
Herne Bay S.106	0.25									0.25
Hopland S.106	1.20							-1.20		0.00
Colliery Site S.106					1.20	1.20	1.20	-1.00	-2.60	0.00
Sturry S.106					0.83	2.06	2.06	2.06	1.79	8.80
Broadoak S.106			0.55	2.06	2.06	2.06	2.06			8.80
North Hersden S.106					1.85	1.50	0.90	0.90	0.68	5.83
Annual Total	2.56	0.12	0.77	3.67	11.78	10.83	0.03	-0.04	-0.14	29.58

7. RAG Risk Template

Table 2: Summary of key project risks and milestones

Risk	RAG rating (June 2023)	Change since last Board meeting	Current RAG rating (September 2023)	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.	Amber	↑	Red	Design and Build contract expected to be signed by the end of September 2023. Environmental surveys are on-going. Archaeological surveys completed.
Project budget/cost increase – risk of increase in total project cost as contract is not yet in place with the Design and Build contractor, (expected September 2023). Also, tender submissions have demonstrated that costs have risen.	Amber	→	Amber	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	→	Amber	Preparation of CPO is ongoing with planned date for publication of CPO now October 2023, with a Secretary of State decision expected no later than 7 April 2025 prior to construction in April 2025. The extension to the 7 April 2025 was agreed by the Board at the April 2023 meeting.
Delay to the programme of the Sturry Development delivering part of the Sturry Link Road.	Amber	↑	Red	The site owner and developer still need to close out some of the conditions on the planning consent for the Sturry site. There has been a further delay of approximately 4 months on their programme. This has 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 is being developed for submission.
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	As reported in April 2023, a 12 month delay to the start date of the construction enables the developer funding to be received or an alternative borrowing agreement put in place.
Presence of Beavers, recently identified as a European protected species, which could impact on the design and delivery of the Project. Other species require mitigation measures too, including Desmoulines snails, otters and badgers.	Amber		Green	Surveys are being undertaken to identify the presence and activity of Beavers where the river Stour passes the proposed viaduct. A mitigation strategy is being prepared. The mitigation strategy will cover the additional wildlife measured. Initial Indications are that the mitigation proposals will not have a significant impact on the agreed programme.

	Milestone Completion Date (June 2023)	Milestone Completion Date (September 2023)	Change in milestone date (RAG rating)	Commentary (To include: % of milestone achieved to date)
Assess and award the Design and Build contract	April 2023	April 2023	Green	Intent to award issued 21 April 2023, contracts exchanged, awaiting signing. 95% complete. This does not impact on the commencement of the construction works identified in the agreed programme
Completion of negotiations around how planning conditions would be met between the developer and landowner of the Sturry site	June 2023	October 2023	Red	The developer has indicated that they are committed to delivering the development however formal contracts still need to be signed and development commenced.
Publication of CPO	September 2023	October 2023	Amber	Work is continuing to progress the CPO, with publication now expected in October 2023.
Determination of the North Hersden Planning application	September 2023	December 2023	Amber	The planning application has been submitted and is due to be determined by December 2023 following the submission of the mitigation strategy for Nutrient Neutrality.
Completion of design phase	March 2024	September 2024	Red	The design phase is on track to be completed in line with the revised, agreed programme, although considered high risk due to 6 month slippage since last update.
Approval Of design and confirm price	April 2024	October 2024	Red	Still aligns with the revised, agreed programme, although considered high risk due to 6 month slippage since last update.
Environmental mitigation works	December 2024	March 2025	Amber	Work is ongoing to progress the environmental mitigation works. This piece of work will require ongoing updates throughout the design process. This does not impact on the programme for delivery of the Project.

A28 Sturry Link Road LGF Project Update report

				Ongoing, but engagement with Kent Wildlife Trust and the East Kent Beaver Advisory Group has been set up.
Completion of required land acquisition, including CPO process and Secretary of State decision	April 2025	April 2025	Green	Land negotiations alongside CPO process continue. CPO to be published October 2023. Completion has been moved out to 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	No change from agreed programme.
Completion of works	December 2026	December 2026	Green	No change from agreed programme

8. Next Steps

- 8.1. The voluntary land acquisition negotiations will continue, alongside the development of the CPO, which will be published in October 2023.
- 8.2. Negotiations with the successful Design and Build tenderer have completed. This was followed by a period of due diligence; contracts have been exchanged and are due to be signed in September 2023. A verbal update will be provided at the meeting.
- 8.3. Environmental mitigation works are ongoing, as set out at 4.1 above.
- 8.4. A further update on the Project will be provided at the November 2023 Board meeting and will include an update on:
 - 8.4.1. negotiations between the developer and land owner on the Sturry site.
 - 8.4.2. the status of the planning application for the North Hersden development; and
 - 8.4.3. the status of the CPO.

9. SELEP Comments

- 9.1. The Project was originally allocated £5.9m of LGF in June 2016 but has since been subject to a series of delays. These originally concerned the planning permission for the Project, but other factors have arisen, as detailed in this report.
- 9.2. Planning permission for the Project was confirmed at the September 2021 Board meeting and it was hoped that this would allow for the necessary land acquisition to be completed by 31 March 2023. This plan allowed the transfer of the remaining £4.656m LGF to Kent County Council. However, the land acquisition date was subsequently revised to 31 August 2023.
- 9.3. At the April 2023 meeting, the Board agreed to further extend the deadline for the completion of the required land acquisition to 7 April 2025 and to extend the completion date of the Project from 31 December 2025 to 31 December 2026, which will align delivery of the Project with the housing developments. This decision aimed to allow the Project to work towards the resolution of the negotiations relating to the Sturry site and any other matters that may arise.
- 9.4. Since the last update, the Project has seen limited movement in resolution of key issues:
 - 9.4.1. The negotiations between the developer and land owner on the Sturry site, as previously detailed in the confidential appendix provided to the Board at the April 2023 meeting, are still on-going.
 - 9.4.2. Publication of the CPO has seen minor slippage from September 2023 although it is currently expected that this will be finalised during October 2023. Given the delays to date and the fact that the timescales for formal approval by the Secretary of State runs through to April 2025, it would be advisable if the planned October 2023 publication date could be met to avoid any further delays to the process. If this date is not achieved, there is an increased risk that Kent County Council may not meet the land acquisition deadline of April 2025 agreed by the Board in March 2023.
 - 9.4.3. Canterbury City Council has not yet been granted planning permission for the North Hersden development and a decision has now been delayed by an additional 3

months to December 2023 as additional nutrient neutrality activity is still ongoing. Refusal of this application could create a funding gap which Kent County Council may need to address through further borrowing.

- 9.5. Overall, the continued delays are concerning from both a delivery and reputational risk perspective and the Project remains High Risk as a result.
- 9.6. SELEP is fully aware that the Project is protected against cost increases via the index linked protection offered by the agreements between Kent County Council and developers. However, project cost increases will inevitably have a negative effect on the original Value for Money of the Project.
- 9.7. There is still a possibility that the Secretary of State may not approve the CPO. SELEP understands that this is a small risk given that planning consent is in place, voluntary negotiations are ongoing and 60% of the land has been committed through S106 agreements already. However, if the CPO is not approved by the Secretary of State the Project would not be able to progress, at which point, the Board may be asked to consider removing the Project from the LGF programme and seeking return of the LGF funding as the Project could no longer be delivered as agreed.
- 9.8. The project milestones have noticeably slipped over the past few months despite earlier programme review and revisions to the expected milestone completion dates. In particular, the 'Completion of design phase' and 'Approval of design and confirm price' milestones have both been pushed back 6 months since the update provided at the last meeting. There was previously a 12-month gap between the approval of design and price and commencement of construction, so the Project has now reduced this timescale by half. The 6-month gap in the programme allows for further slippage without impacting on delivery. This will continue to be monitored by quarterly reporting and updated to the Board accordingly.
- 9.9. Remedial action has taken place with the Design and Build contractor now appointed and the contract due to be signed by the end of September 2023.
- 9.10. Positive action has included engagement with Kent Wildlife Trust and the East Kent Beaver Advisory Group, which will allow for the environmental mitigation to progress, while work has progressed on the archaeological investigation during July 2023 and reports are being finalised with a view to resolving the respective planning condition.

10. Financial Implications (Accountable Body comments)

- 10.1. There continue to be a number of challenges to completion of this project, particularly with respect to the land acquisition; the further extended timelines may give rise to additional costs, that could put the associated value for money assessment at risk as well as delays in realising the potential benefits associated with the project.
- 10.2. The value for money assessment in relation to this Project included an expectation that the LGF investment would enable the outcomes and benefits to be brought forward more quickly than would otherwise be achieved without the investment. The on-going delays to delivery places at risk this assumption in the business case for this project and the associated value for money assessment.

- 10.3. In addition to the specific challenges outlined in this report, the Board should be aware of wider risks to delivery due to difficulties experienced by projects as a result of Brexit, COVID-19, the current economic uncertainty and inflation challenges.
- 10.4. To mitigate these risks, the Board is advised to keep under review the delivery progress of this project and to take this into account with regard to the decisions made with respect to the funding associated with the project.
- 10.5. Essex County Council, as the Accountable Body, is responsible for ensuring that the LGF funding is utilised in accordance with the conditions set out by Government for use of the Grant.
- 10.6. All LGF in respect of this project has been transferred to Kent County 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. The SLA also makes clear that it is the responsibility of Kent County Council to secure any additional funding required should costs exceed those set out in the agreed business case.
- 10.7. The Agreement also sets out the circumstances under which funding may have to be repaid should it not be utilised in line with the conditions of the grant or in accordance with the Decisions of the Board.

11. Legal Implications (Accountable Body comments)

- 11.1. 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 Project Lead Authority. The SLA contains provisions that permit the Accountability Board to take a decision to require funding is repaid (either in all or in part) if the Project Lead Authority fails to deliver the project in accordance with the business case, a project is changed and the Accountability Board decline to agree the change or if the project can no longer meet the grant conditions.

12. Equality and Diversity Implications

- 12.1. 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:
 - 12.1.1. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
 - 12.1.2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - 12.1.3. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 12.2. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender, and sexual orientation.

12.3. 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

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.

13. List of Appendices

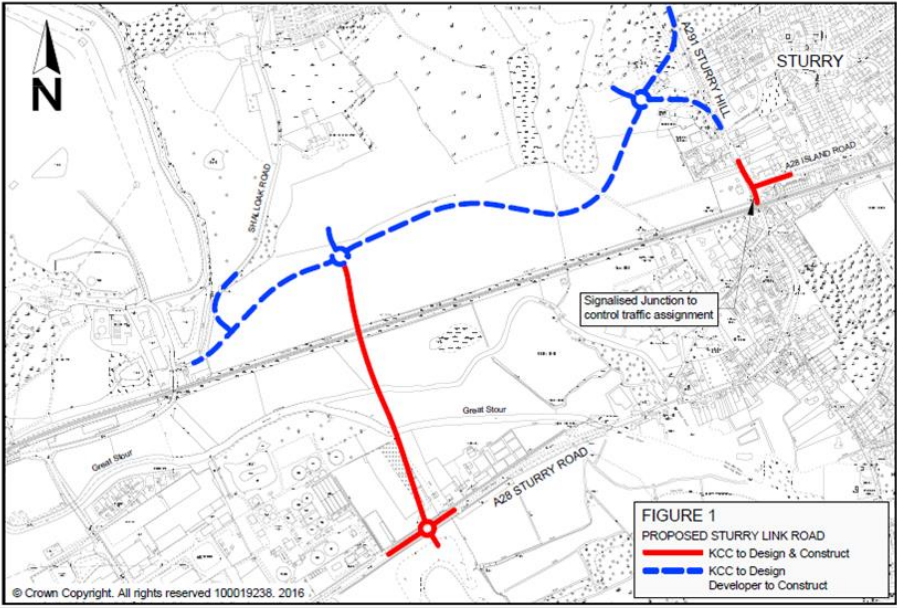
13.1. Appendix A – LGF Project Background Information

13.2. Appendix B - High Level Delivery Programme

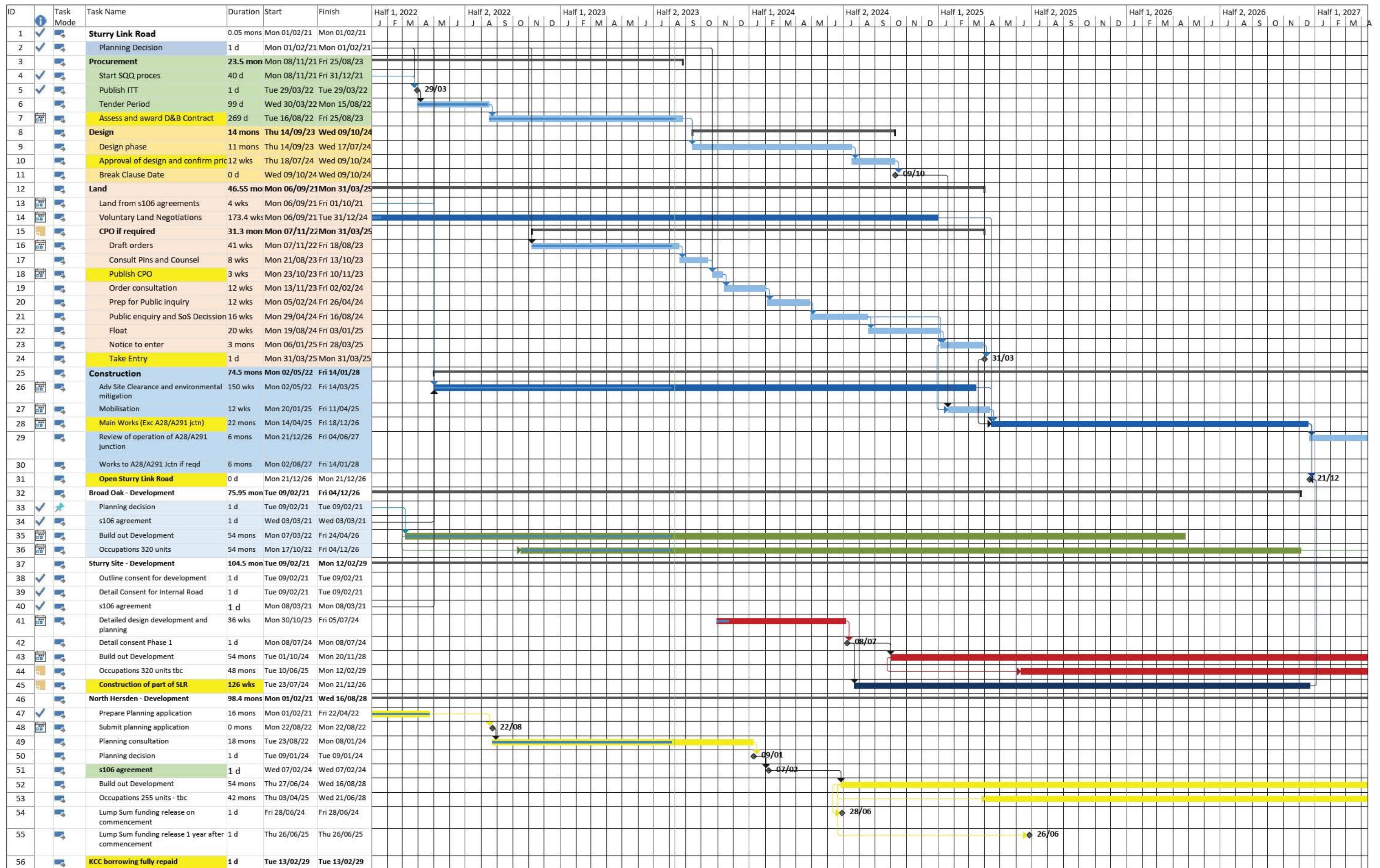
(Any request for background papers listed here should be made to the person named at the top of the report who will be able to help with any enquiries)

Role	Date
Accountable Body sign off Michael Neumann (on behalf of Nicole Wood, S151 Officer, Essex County Council)	14/09/2023

Appendix A - LGF Project Background Information

Name of Project	A28 Sturry Link Road, Kent Kent County Council
Local Growth Fund (LGF) allocation	£5.9m - Awarded in June 2016
Description of what Project delivers	<p>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.</p> <p>To connect the Project to the existing highway, the developers will be delivering a spine road through the new development site to 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.</p> <p>Figure 1 A28 Sturry Link Road</p>  <p>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</p>

	congestion to trips along the A28. This level of congestion is a major constraint on development to the north east of Canterbury.																																																																																																																								
Project benefits	<p>Through tackling this congestion pinch point and increasing the capacity of this part of the network, the Project is expected to unlock new development sites to the North East of Canterbury, delivering 4,220 new homes and 1,700 jobs.</p> <p>The scale of development unlocked by the Project includes residential development at the following sites:</p> <ul style="list-style-type: none"> • Broad Oak Farm and Sturry - 1106 homes; • Hoplands Farm, Hersden - 250 homes; • Colliery Site, Hersden - 370 homes; • North Hersden - 800 homes; • Other sites in the north eastern quadrant of Canterbury District 																																																																																																																								
Funding Package	<table border="1"> <thead> <tr> <th rowspan="2">Funding Source</th> <th colspan="10">Application in Year (EM)</th> </tr> <tr> <th>Prior to 2021/22</th> <th>2021/22</th> <th>2022/23</th> <th>2023/24</th> <th>2024/25</th> <th>2025/26</th> <th>2026/27</th> <th>2027/28</th> <th>2028/29</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Local Growth Fund</td> <td>1.11</td> <td>0.12</td> <td>0.22</td> <td>1.60</td> <td>2.85</td> <td>0.00</td> <td>0.00</td> <td>0.00</td> <td>0.00</td> <td>5.90</td> </tr> <tr> <td>Kent County Council Forward Funding</td> <td></td> <td></td> <td></td> <td></td> <td>3.00</td> <td>4.00</td> <td>-6.20</td> <td>-0.80</td> <td></td> <td>0.00</td> </tr> <tr> <td>Herne Bay S.106</td> <td>0.25</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>0.25</td> </tr> <tr> <td>Hopland S.106</td> <td>1.20</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>-1.20</td> <td></td> <td>0.00</td> </tr> <tr> <td>Colliery Site S.106</td> <td></td> <td></td> <td></td> <td></td> <td>1.20</td> <td>1.20</td> <td>1.20</td> <td>-1.00</td> <td>-2.60</td> <td>0.00</td> </tr> <tr> <td>Sturry S.106</td> <td></td> <td></td> <td></td> <td></td> <td>0.83</td> <td>2.06</td> <td>2.06</td> <td>2.06</td> <td>1.79</td> <td>8.80</td> </tr> <tr> <td>Broadoak S.106</td> <td></td> <td></td> <td>0.55</td> <td>2.06</td> <td>2.06</td> <td>2.06</td> <td>2.06</td> <td></td> <td></td> <td>8.80</td> </tr> <tr> <td>North Hersden S.106</td> <td></td> <td></td> <td></td> <td></td> <td>1.85</td> <td>1.50</td> <td>0.90</td> <td>0.90</td> <td>0.68</td> <td>5.83</td> </tr> <tr> <td>Annual Total</td> <td>2.56</td> <td>0.12</td> <td>0.77</td> <td>3.67</td> <td>11.78</td> <td>10.83</td> <td>0.03</td> <td>-0.04</td> <td>-0.14</td> <td>29.58</td> </tr> </tbody> </table>	Funding Source	Application in Year (EM)										Prior to 2021/22	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Total	Local Growth Fund	1.11	0.12	0.22	1.60	2.85	0.00	0.00	0.00	0.00	5.90	Kent County Council Forward Funding					3.00	4.00	-6.20	-0.80		0.00	Herne Bay S.106	0.25									0.25	Hopland S.106	1.20							-1.20		0.00	Colliery Site S.106					1.20	1.20	1.20	-1.00	-2.60	0.00	Sturry S.106					0.83	2.06	2.06	2.06	1.79	8.80	Broadoak S.106			0.55	2.06	2.06	2.06	2.06			8.80	North Hersden S.106					1.85	1.50	0.90	0.90	0.68	5.83	Annual Total	2.56	0.12	0.77	3.67	11.78	10.83	0.03	-0.04	-0.14	29.58
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Project constraints	<ul style="list-style-type: none"> • Land Acquisition remains a risk and a delay in the publication of the CPO has seen delivery delays. • Environmental orders have increased the amount of work required to mitigate against environmental impacts. • Delays to various land negotiations have impacted on the delivery timeline. 																																																																																																																								
Link to Project webpage	https://www.southeastlep.com/project/a28-sturry-link-road/																																																																																																																								



Project: High Level Delivery Progr
Date: Fri 11/08/23

Task	Summary	External Milestone	Inactive Summary	Manual Summary Rollup	Finish-only	Manual Progress
Split	Project Summary	Inactive Task	Manual Task	Manual Summary	Deadline	
Milestone	External Tasks	Inactive Milestone		Start-only	Progress	

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