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**COMMUNITY AND ENVIRONMENT COMMITTEE**

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**Community and Environment Committee 29 October 2024**

**ASHBOURNE REBORN PROGRAMME UPDATE**

**Report of the Director of Place and Economy**

**Report Author and Contact Details**

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**Wards Affected**

Ashbourne North and South

**Report Summary**

The report updates Members on progress with the *Ashbourne Reborn* Programme, summaries recent project activity, highlights key programme risks and sets out next steps. This includes a proposed adjustment to the programme expenditure profile for which approval is sought prior to submission to the Ministry of Housing, Communities and Local Government (MHCLG).

**Recommendations**

1. That the Committee considers progress to date and the position regarding programme, cost, deliverables and risks be received and noted.
2. That the Committee approves the submission of an updated expenditure profile at the earliest opportunity, through the imminent Quarterly Monitoring Return or Project Adjustment Request as required by MHCLG, based on the proposed expenditure profile in Appendix 1.

**List of Appendices**

Appendix 1 Comparison of Agreed and Proposed Expenditure Profiles

**Background Papers**

- Ashbourne Reborn Programme Board Update Report 22 October 2024
- Previous Ashbourne Reborn Programme Board Update Reports from 27 September 2023 to 20 September 2024.
- Community and Environment Committee 29 June 2022
- Council 27 July 2023 Ashbourne Reborn Report
- Council 14 Dec 2023 Ashbourne Reborn Financial Risk Update

**Consideration of report by Council or other committee**

Yes – Revised expenditure profile to support Project Adjustment Request considered by Ashbourne Reborn Programme Board on 22 October 2024.

**Council Approval Required**

No

**Exempt from Press or Public**

No

## ASHBOURNE REBORN PROGRAMME UPDATE

### 1. Background

- 1.1 Ashbourne Reborn is a partnership programme aimed at transforming Ashbourne town centre through significant improvements to highways and public realm and the development of the Link Community Hub. Originally with a budget of £15.22m, this has increased to over £15.9m through the agreement of additional partnership match funding. The programme is principally funded by the UK Government through a £13,373,509 funding allocation from the Levelling Up Fund (LUF), Round Two. The programme comprises the following projects:

Project 1: Public Realm & Highways Improvements led by Derbyshire County Council - £8.8m

This project will deliver a series of transformed public spaces including the Market Place, Victoria Square, Millennium Square and Shrovetide Walk. Connections between these spaces will also be improved. Highways improvements will be undertaken along Dig Street, St Johns Street, Station Road, Church Street and Buxton Hill to create a better pedestrian experience, reducing the impact of vehicles and improving safety.

Project 2: Link Community Hub led by Ashbourne Methodist Church - £7.1m (inc. additional match funding)

The project aims to transform the Methodist Church into a multi-purpose community space, enhancing the town centre offer, and providing a venue that will help drive greater footfall.

- 1.2 The LUF bid was approved for submission at the Community and Environment Committee 29 June 2022, as referenced in the background papers. A report to Council on 27 July 2023 set out activity to date and Governance procedures and this was followed by a report to Council on 14 December 2023 to update the position with grant funding agreements and associated financial risks.
- 1.3 Derbyshire Dales District Council (DDDC) is the Accountable Body for Ashbourne Reborn. Matters that could have a significant impact on the programme in terms of deliverables, timescales, cost, outputs / outcomes and risk, potentially resulting in a change to the approved bid / Memorandum of Understanding between the District Council and the Ministry of Housing, Communities and Local Government (MHCLG), formerly known as the Department for Levelling Up, Housing and Communities (DLUHC), should be matters for consideration by the strategic Programme Board. Such matters are required to be escalated by Project Boards.
- 1.4 Should these matters be considered to require a change to the agreement with MHCLG i.e. variation of more than the acceptable threshold of 30% in expenditure profile or deliverables as set out in LUF guidance, this must be approved by the Programme Board and escalated to the District Council's

Community and Environment Committee prior to submission. This is because such a submission would constitute a formal request to change the terms of the agreement between Derbyshire Dales District Council as the Accountable Body for Ashbourne Reborn and MHCLG.

## **2. Key Issues**

### **Project Progress, Procurement and Risks:**

- 2.1 Significant progress has been made with the preparatory work for both projects with preferred main contractors procured and committed to working with partners to finalise deliverable construction packages for the main works, due to begin in early January 2025. However, consistent with the majority of LUF projects across the country, delivery timeframes and budget pressures have presented a considerable challenge. Costs for professional services and materials have risen considerably from the evidence-led estimates at the time of the bid, reflecting the influence of significant inflation and challenging market conditions. This has led to the need for value engineering and careful re-scoping on both projects, which in turn has extended the time required to update and finalise designs. Partners continue to work collaboratively to progress both projects and bring costs closer to the available budget, remaining confident that they can deliver the outputs agreed with MHCLG within acceptable thresholds.

### **Link Community Hub:**

- 2.2 The Link Community Hub Project, led by Ashbourne Methodist Church, is progressing detailed negotiations on the main construction contract, with the main contractor's work programmed to conclude in December 2025. In the interim, AMC partners have issued a Letter of Intent to their preferred main contractor for the full amount of the main construction contract within the available budget. This was intended to enable tender prices to be held prior to the 90-day expiry date but also to allow further time for negotiation on the final details of the construction package prior to entering into the full contract by December 2024. In the interim, a formal instruction for a preliminary package of works has been issued to enable progress on site and avoid further extensions to the delivery programme. Other preparatory work is also ongoing, for example including specialist removal of the church organ and clearance work by volunteers.
- 2.3 The proposed contract sum includes works to each of the core areas as originally proposed but with a reduced scope of works in Century Hall and Waterside. AMC has confirmed that the proposed deliverables can still be achieved and will fulfil commitments to MHCLG within acceptable tolerances.
- 2.4 The most significant risks for the Link Community Hub Project continue to include increased project costs and unforeseen costs, and slippage within the programme, including any potential delays associated with MHCLG

decisions. Current contributors to the risk of delay are issues resulting from protracted contractor negotiations and a winter construction start.

### **Highways and Public Realm Project:**

- 2.5 The DCC-led Highways and Public Realm Project continues with work to finalise the remaining designs. Required rescoping (examples provided below) to reduce costs means that these are now anticipated for completion before the end of October. While a significant proportion of the design work was completed to inform the Target Cost, it should be noted that the incomplete areas of design continue to impact on the accuracy of the final Target Cost.
- 2.6 A full technical review of the Target Cost and associated discussions with the main contractor has resulted in a list of potential areas for value engineering and rescoping. These include more cost effective material choices, limited amendments to the design agreed by partners and delivery of some elements directly by DCC. Significant savings were also identified through the potential full rather than partial closure of St John Street to through traffic during the work on that area, which saves 12 weeks from the original duration of 31 weeks, resulting in a 19 week closure. This also saves 7 weeks for the programme as a whole and has resultant cost savings of nearly £350,000. This shorter but more intense period of temporary closure has been approved by the Project Control Board, reported to the Programme Board and is being pursued by Derbyshire County Council, including careful consideration and co-ordination of work on alternative routes to ensure the network continues to function as well as possible through the work, including enabling the diversion of HGVs. It should be noted that other temporary closures to traffic will be required to enable the works and the detail of these is being refined to enable discussion at forthcoming public engagement events, outlined in section 4 of this report.
- 2.7 Final decisions on project detail rest with the Project Board and the officer team where these do not have implications for the agreement with MHCLG. Following a review of the design and delivery approach, DCC's cost consultant, in collaboration with partners, has identified potential cost savings to reduce the current funding gap to circa £100k through value engineering opportunities. However, some of the rescoping proposals remain challenging for partners and are to be agreed, and the potential savings are subject to Galliford Try's final Target Cost submission due on 15 November.
- 2.8 As part of the review of all project elements, the design for Shrovetide Walk has been reviewed and amended to reflect site and delivery constraints and health and safety considerations. The approach has been to retain the key principles of the original concept with some scaling back of proposals, particularly on the raised section of the site to reflect these issues. Although it is acknowledged that the scale of works has had to reduce, the revised

proposals are considered deliverable and will improve this part of the town centre.

- 2.9 The approach taken should mean that commitments to MHCLG are still achievable within acceptable thresholds but this remains under review while cost information and designs are finalised. The final designs and work to understand any additional requirements of Hostile Vehicle Mitigation (HVM) may create additional pressures and further work continues with the aim of bringing costs down. There remains a separate element of client contingency within the budget at a level proposed by DCC's commercial advisor.
- 2.10 Work on Henmore Bridge parapet began on 21 October. Other 'early' work will include further contractor surveys and setting up the site compound for a January start on site. This date for a substantive start on site is proposed for practical and commercial reasons around the festive period but also to enable final negotiations and confirmation of costs, and consultation with MHCLG. The Royal Shrovetide Football event has been factored into the contractor's programme.
- 2.11 Highest scored risks for the Highways and Public Realm Project continue to include budget pressures, traffic management and programme/phasing of delivery, including any potential delays associated with MHCLG decisions, disruption to traders and stakeholder management. Active DCC co-ordination of projects across Ashbourne and liaison with utility providers, to minimise impact of their activities on the Ashbourne Reborn improvements following completion, remain mitigation strategies.

#### **Hostile Vehicle Mitigation (HVM):**

- 2.12 A proportionate approach to HVM is proposed for the public realm within Ashbourne Reborn. This reflects feedback from the Police on the application for Listed Building Consent in 2023 on the Market Place and Victoria Square. This work includes but is not limited to consideration of the likely implications of Martyn's Law, alongside wider risks associated with hostile vehicles, and is being supported by specialist advice commissioned by DCC as project lead. A Threat Vulnerability Risk Assessment was received on 9 October to reflect the first stage of this specialist work. This is being updated following officer comments and will inform the final stage of design.

#### **MHCLG Information and Processes**

- 2.13 A change request or project adjustment needs to be formally agreed with MHCLG due to the delayed start of both projects and need to re-profile additional LUF expenditure into the 2025/26 financial year. The next monitoring requirement for MHCLG is the 2024/25 Quarter 2 Monitoring Report. However, issue of the request and associated monitoring proforma from MHCLG has been delayed until after the autumn budget announcement and is now expected in the first week of November for submission three to four weeks after that.

- 2.14 Through a series of meetings between 4 and 10 October, DDDC's contact at MHCLG has advised that the majority of local authorities currently have some level of change request. To address this, it is intended to assess the changes through the next Quarterly Monitoring Return, rather than a PAR in most cases. However, this would be highly unlikely to result in an outcome of the assessment to support the current timetable for Ashbourne Reborn and mitigate any risk of partners entering into main contracts in advance of a decision.
- 2.15 Reflecting the urgency, our MHCLG contact has advised us to prepare a Quarterly Return on the current template for submission when the window for receipt is opened in early November, or for swift update if a new form is issued. In case it is not possible to expedite the assessment through the monitoring form we have also been advised to prepare a PAR submission. Only sections relevant to the required change must be completed in full.
- 2.16 MHCLG officers have advised that our proposed change to the expenditure profile is considered low risk, which should facilitate a swift decision. Confirmation of the agreed changes would directly result in commitment of the remaining grant for both projects and still enable the vast majority of grant to be drawn down by the end of Q3 2025/26. However, it should be noted that it remains possible that MHCLG will not be able to make a decision in advance of the need for partners to enter into main construction contracts to avoid any further delay. The urgency for MHCLG to respond promptly to the PAR request is therefore paramount. All available steps are being taken to help expedite this process, including a request for MP support.
- 2.17 Assurance documents are also anticipated to be required in this quarter, in line with MHCLG's schedule. However, no request has been received as yet.

### **3. Options Considered and Recommended Proposal**

- 3.1 At its meeting on 22 October, the Programme Board approved submission of the revised expenditure profile for Ashbourne Reborn; and Community and Environment Committee approval is now sought prior to submission to MHCLG.

### **4. Consultation**

- 4.1 Regular comms updates continue for Ashbourne Reborn, supported by the Ashbourne Reborn Communications Officer and in line with an agreed Comms Grid of planned activities. Comms Group meetings are held monthly and Ward Member Briefings are issued regularly to provide information in advance of activity in Ashbourne.
- 4.2 Planning for the anticipated public engagement event on **Tuesday 3 December** is ongoing. Drop-in sessions are also being scheduled for 26 and 28 November to maximise the opportunity for stakeholders and the public to review the updated design and programme information and ask questions.

## 5. Timetable for Implementation

- 5.1 While there has been some delay across the programme, both Project Teams are working hard to minimise the impact of these delays.
- 5.2 The Main Contracts for both projects are now scheduled for completion in Quarter 3 25/26, which will mean some final grant defrayal will be necessary early in Quarter 4 to allow for a lag in invoicing, especially around the Christmas period. However, the amount of LUF grant utilised in this period will be minimised, with LUF expenditure prioritised over match funding wherever practicable. This will be reflected in the updated expenditure profile to be agreed with MHCLG.

## 6. Policy Implications

- 6.1 The LUF proposals were developed in line with the Council's Economic Recovery Plan and Economic Plan, and Ashbourne Reborn is one of the District Council's Corporate Plan priorities within the 'Prosperous and sustainable Dales communities and businesses' theme. In particular, the proposals directly contribute to the Place Shaping Delivery Plan core programme area: Facilitate town centre regeneration to improve public realm and stimulate spend and investment.

## 7. Financial and Resource Implications

- 7.1 A comparison of previously agreed and proposed expenditure profiles is provided in Appendix 1 and a summary of the high level changes to LUF expenditure is provided below:

### Summary of Proposed Expenditure profile changes:

	October 2023	October 2024
Forecast LUF Spend in 24/25	£9,655,150	£3,569,292
Total Remaining LUF Spend in 25/26	£2,459,266	£8,638,283
Additional expenditure in 25/26 (inc. slippage from 23/24)		£6,179,017
Proportion of overall LUF budget		<b>46% change</b>

- 7.2 As previously reported, costs have risen considerably since the LUF bid, with much higher than predicted levels of inflation and challenging market conditions. Alongside rising construction costs and costs of materials, project fees have also increased from the original estimates prepared by the consultant bid team. Availability of materials and lead-in times for delivery are also a consideration within finances and risk.
- 7.3 Ashbourne Reborn Project Boards continue to progress value engineering, re-scoping and, as a last resort, potential de-scoping activities to remain



within budget. While Project Boards for both projects currently believe that commitments to MHCLG can be delivered within acceptable thresholds, should this alter, any resultant recommendations that could have direct or cumulative implications for commitments made to MHCLG will be escalated to the Programme Board for consideration, with subsequent escalation to the Community and Environment Committee if required.

7.4 The implications of a delay to MHCLG decision-making regarding the proposed adjustment to the programme expenditure profile, to both the Accountable Body and Delivery Partners, will require further consideration should this situation occur, in line with agreed governance.

7.5 The financial risk is assessed as High.

## **8. Procurement Implications**

8.1 Procurement strategies are in place for both projects within Ashbourne Reborn. Project teams have been asked to provide up to date Procurement Registers to record key procurement activity.

8.2 Procurement of a main contractor for the construction of the Highways and Public Realm project has been undertaken by DCC. Processes are now underway to enable a decision to proceed to stage 2 construction subject to final costs and agreement, including taking into account MHCLG's decision making process.

8.3 As set out in Section 2, procurement of the main contractor for the Link Community Hub is ongoing, with a letter of intent issued in advance of the conclusion of the final negotiation and an initial package of work instructed to avoid further programme delays.

## **9. Legal Advice and Implications**

9.1 As stated, this report summarises activity to progress the projects within the *Ashbourne Reborn* Programme, highlighting key programme risks and next steps which include a proposed adjustment to the programme expenditure profile for which approval is required prior to submission to MHCLG.

9.2 It is to be acknowledged there are inherent risks / legal risks connected to this programme as described within this report. These risks have been assessed as high due to, inter alia, the requirement for external agreements and consents, including a timely response from MHCLG.

9.3 However specifically referring to the two decisions recommended to be taken as noted at the top of this report, the legal risk of challenge by judicial review when taking the decisions as recommended has been assessed as low.

## **10. Equalities Implications**

10.1 None additional at this stage, but equalities remain an important consideration for detailed design. An Equality Impact Assessment (EIA) was prepared for the Levelling Up Fund bid and was submitted to C&E Committee on 29<sup>th</sup> June 2022. Equalities considerations form part of the ongoing assessment of final scheme proposals, including the assessment of implications of any significant changes in the design to update the previous EIA.

## **11. Climate Change Implications**

11.1 No additional implications at this stage, but Climate Change Implications remain an important consideration for detailed design. A Climate Change Impact Assessment was prepared for the Levelling Up Fund bid and was submitted to C&E Committee on 29<sup>th</sup> June 2022. A further climate change assessment may be required on final scheme proposals to assess the implications of any significant changes to the project.

11.2 In terms of other environmental considerations, there are synergies between the traffic management element of Ashbourne Reborn and the air quality considerations for the area. Where the delivery of Ashbourne Reborn can contribute to and complement activity to improve air quality, this will be reflected in the Air Quality Action Plan.

## **12. Risk Management**

12.1 Project level risks have been highlighted within the report in section 2. The highest strategic risks are currently considered to be Project Costs and Programme, which are being addressed through active review and management of both projects. The need to agree changes to the expenditure profile with MHCLG and uncertainty about their decision-making processes adds to the Programme/delivery timeframe risk.

12.2 Current programme level risks reflect:

- Cost challenges. Mitigation at this stage includes working with delivery partners to reduce fee expenditure (where possible), early contractor involvement / independent review of current cost estimates, value engineering and re-scoping alongside assessment of the impact on programme deliverables.
- Stakeholder expectations. Mitigation at this stage includes stakeholder engagement and regular communications, expectation management and quality control. A public engagement event is proposed for 3 December 2024.
- Programme and Resources. Delivery timeframes are challenging, and the programme is resource-intensive at all levels. Ongoing consideration of resources is required, including any related challenges facing delivery partners. Potential delays with MHCLG decisions also contribute to this risk.

## Report Authorisation

Approvals obtained from:-

	<b>Named Officer</b>	<b>Date</b>
Director of Place and Economy, in the absence of the Chief Executive	Steve Capes	23/10/2024
Director of Resources/ S.151 Officer	Karen Henriksen	24/10/2024
Legal Services Manager (Deputy Monitoring Officer), in the absence of the Director of Corporate and Customer Services	Kerry France	24/10/2024