

**REPORT FROM:** DIRECTOR OF PLACE  
**TO:** NELSON TOWN DEAL BOARD  
**DATE:** 1<sup>ST</sup> SEPTEMBER 2023

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## **MONITORING REPORT OF TOWN DEAL PROJECT CONDITIONS**

### **PURPOSE OF REPORT**

To update the Board on progress of the conditions of the 7 Nelson Town Deal projects.

### **RECOMMENDATION**

That the Board:

- (1) Note and provide comment on the updated conditions tables for each of the projects.

### **REASON FOR RECOMMENDATION**

- (1) To keep the Board informed.

### **ISSUE**

1. In July 2023 an audit review of the Nelson Town Deal was finalised.
2. As part of this review, it was reported that:

*The Policy & Resources Committee approved the delegation of authority to the Project Appraisal Sub- Group, as recommended by the Nelson Town Deal Board, for ensuring that funding conditions stipulated in the Business Case Assurance and Funding Recommendations report in respect of each project are met.*

3. Furthermore, it stated that:

*At the time of the audit, the Programme Manager was undertaking a piece of work to record the achievement of funding conditions and identify those outstanding. Tables of the conditions for each project had been compiled and narrative updates were being obtained from Project Leads.*

4. Tables for each of the projects with their present position regarding the conditions assigned to that project can be found in Appendix 1.
5. Monitoring of all outstanding conditions will be discussed at the monthly checkpoint meetings carried out between the Programme Management team and the Project Lead and will replace the work initially carried out by the Project Appraisal Sub-Group.
6. All outstanding conditions will in future be included in the quarterly progress update reports to the Town Deal Board.

## **IMPLICATIONS**

**Policy:** None directly arising from this report.

**Financial:** None directly arising from this report.

**Legal:** None directly arising from this report.

**Risk Management:** Risks are as set out in the report.

**Health and Safety:** None directly arising from this report.

**Sustainability:** None directly arising from this report.

**Community Safety:** None directly arising from this report.

**Equality and Diversity:** None directly arising from this report.

## **LIST OF BACKGROUND PAPERS**

None

## **APPENDICES**

Appendix 1 – Table of Conditions

Project	<b>Accessible Nelson</b>				
Delivery Body	Pendle Borough Council (Scott Whalley/Tricia Wilson)				
Towns Fund Allocation	£3.46m Capital				
Project Conditions	Condition No	Condition	Condition Type	Date discharged	Comments
	1	That ways in which the project works alongside other projects (notably the 'This is Nelson' project) to address the negative impacts of the railway bridge close to Detail Area 6 are set out, so that the potential project benefits from the Accessible Nelson project investment are enhanced and not undermined	Pre-commencement of works	01/12/2022	<p>We have worked with In-Situ and 'This is Nelson' on the Drop-in sessions and will seek to work with them for further innovative public consultation.</p> <p>There are ways which the bridge on Railway Street could be enhanced using lighting which we could explore alongside the Linear Park scheme, which In Situ are part of. We will engage with the This is Nelson project lead regarding the railway bridge at the appropriate time to ensure any work around this area is complementary. It is not possible to be specific at this stage.</p> <p>Have approached In-Situ to discuss possibility of doing a joint guided ride to raise awareness of the Accessible Nelson scheme as well as the new bridleway at Lomeshaye, Linear Park schemes and In-Situ's 'This is Nelson' TD scheme. A meeting has yet to be arranged.</p> <p>Have visited a bike scheme in Accrington where bikes are donated to the project, done up and sold on for a low price, £25 for child bikes and £50 for adult bikes. The scheme is very successful and is a great way to distribute bikes to people that cannot necessarily afford them and therefore encourages bike take-up, in particular for cycling as a transport mode. This really fits in with the Accessible Nelson scheme. The scheme in Accrington also operates on a smaller basis from the Yes Hub. They would like more room to operate in Nelson and so have asked about the empty Althams shop. We discussed this and other options at the Town Deal Delivery Group meeting and it was felt that there were a number of community schemes that could be based in the same space as a hub. This would also encourage joint working across the Town Deal schemes.</p>
	2	That there is a commitment to close monitoring of costs as part of project implementation, given the potential impact of cost over-runs, materials	Condition for delivery	01/12/2022	The Project Team will be meeting regularly to discuss progress and any arising issues. The Project Team includes LCC Highways as well as PBC officers and so all relevant officers will be informed and updated. The meetings will include review of budgets/costs and monitoring of the risk register. The meetings are already scheduled for every other Thursday.

		cost rises and contractor availability / capacity. Therefore, affirmation that the risk register for the delivery of the works will be maintained and reviewed regularly as part of project delivery should be given.			<p>The Project Team will monitor estimated costs and ongoing expenditure prior to and during project delivery and these will be reviewed at the regular working group meetings. Detailed engineering designs will be done with more detailed budget cost estimates produced, prior to going out to tender. These will be reviewed by the project team and submitted to the Town Deal Board. The Engineering Team regularly carries out this type of work and are aware of the pitfalls such as changes in material cost and availability of contractors etc.</p> <p>There have been developments with the funding and delivery of the scheme. LCC was successful in achieving Levelling Up funding for Detail Areas 1, 2 and 3. In addition, they submitted a bid to ATF 4 (Active Travel Fund) and were successful for Detail Area 5. The ATF 4 bid was for Detail Areas 5 and 7 but only 5 was successful. This means that there is funding for all but Detail area 7 (Manchester Road junction with Broadway). LCC also have previous ATF money for a scheme on Manchester Road for a cycle/pedestrian route which will include widening the footway to 3m wide. This means that there is interest from LCC to submit a further bid to the next round of ATF to include Detail Area 7. There is therefore the potential to achieve the whole scheme as outlined in the Accessible Nelson Town Deal Report completed by Planit IE outlined in the Business Case.</p> <p>Because most of the funding is now via LCC and due to staff shortages in the Engineering Section it was agreed at a meeting with relevant staff at LCC that they would take on the delivery of the whole scheme including the Town Deal sections; Detail Areas 4 and 6. We are currently in discussions with LCC to move this forward. It will involve further traffic surveys to include changes planned for Pendle Rise, which was not part of the original designs done by Planit IE. Planit IE will be overseeing the works done by LCC and PBC will continue to liaise with LCC on a regular basis and monitor progress and report back to the Town Deal Board.</p>
3	That the monitoring and evaluation plan is expanded to include baseline and monitoring of walking and cycling usage for the two schemes, and a commitment to assessing wider (non- monetised) benefits.	Prior to Grant Funding Agreement (need agreement of what will be monitored and how).	01/12/2022	<p>Baseline footfall figures will be captured using Place AI - a web-based GPS tracking which PBC has subscribed to monitor footfall changes in and around the town centre over the life of the Town Deal programme. Baseline figures for cycling will be taken from Strava. LCC currently uses Strava to measure baseline cycle use for the LCWIPS. We will measure future use against the baseline figures once the scheme is in place and will consider locating counters in the town centre to capture actual numbers.</p> <p>No further progress to report with this.</p>	

	4	A commitment to work to maximise take-up of bicycle use post project, demonstrated through, for example, linking with the potential Lancashire County Council pilot Mobility Hubs and promotion of bike rings for use by Town Centre businesses.	Condition for delivery	01/12/2022	<p>We will be working with CDPP, our cycle liaison group, to raise awareness of cycling in Nelson. Go Velo are part of CDPP and run free adult cycle training at the Steven Burke Sports Hub as well as Bikeability training across all schools in Lancashire, including Pendle, for LCC (training is LCC funded). With Go Velo we will run guided rides and walks (possibly with PLT as walk leaders) to raise awareness of the benefits of cycling and walking and making the most of the new access across Nelson. If the LCC LUF bid is successful there will be new Mobility Hubs in Nelson and Brierfield and these will enable us to assist residents and visitors with journey planning. LCC's Public Health Officers have offered to assist us with community consultations to assess baseline situation and how to use the Mobility Hubs to encourage more people to cycle and walk rather than use the car. There will be secure cycle storage at the Mobility Hubs possibly for people to store their bikes so they do not need to store them in the house. We also aim to approach businesses and ask if they would like to install bike hoops outside their premises, which should encourage people to use sustainable transport to shop locally.</p> <p>We recently received Public Health funding from LCC to help increase uptake of new facilities provided via the LUF, TD and ATF schemes. This has already been programmed in for additional training sessions with Go Velo including guided rides and walks. This should be a way to raise awareness of the current difficulties for cyclists and pedestrians in Nelson town centre and to show how the Accessible Nelson scheme can change this</p>
	5	That the post-project maintenance agreement be put in place between Lancashire County Council and Pendle Borough Council.	Pre-commencement of works	Outstanding	<p>We are in discussion with LCC officers about future maintenance and materials.</p> <p>Comment Julie W – This should remain as an outstanding condition until the agreement is in place.</p> <p>All works will become part of the adopted highway and will therefore be maintained by LCC.</p> <p>As LCC are now doing the works they will be responsible for future maintenance, The scheme will become part of the adopted highway. This will need to be incorporated into an official agreement with LCC.</p>

Project	<b>Advanced Digital Skills Hub and Academy</b>				
Delivery Body	Nelson and Colne College				
Towns Fund Allocation	£2.29m Capital				
Project Conditions	Condition No	Condition	Condition Type	Date discharged & PMO Comments	Comments from project lead
	1	The implications of cost inflation and cost overruns should be carefully monitored over the coming months so that suitable mitigations can be identified at the earliest opportunity;	Condition for delivery	<i>Additional comments received from Project Lead</i>	<p>Phase 1 of College Hub now secured practical completion and final account being drawn together. Construction cost inflation has heavily contributed to a cost overrun against original budget. This was minimised / mitigated via a value engineering exercise, and we have ensured Phase 2 design work is sharply aligned to the residual capital budget including maintaining a contingency.</p> <p>Estimate of impact on original phase 2 cost proposition would be c£100k, see below for how this can be mitigated.</p> <p>Project Lead comment: In addition to the VE mitigation already highlighted, colleagues can be assured that the College has no intention of compromising on the essential integrity of this important scheme and as such would meet / finance any post VE cost overrun.</p> <p>August 2023 Project Lead update: Position fundamentally unchanged. Hub Phase 1 final account now resolved and settled. Phase 2 contracted costs plus contingency do take the scheme above original project budget but this over-cost will be met by the College.</p>
	2	Linked to Condition 1, a clear process should be agreed for determining suitable mitigations, where they have the potential to impact on the scale or range of uses that can be delivered	Pre-commencement	<i>Additional comments received from Project Lead</i>	<p>Once Phase 2 main contractor tenders are received and evaluated, we'll have higher cost certainty. The potential impact of any Value Engineering requirements deemed necessary could be discussed with Pendle BC/PMO and highlighted to the Board if any material impact arising.</p> <p>PMO comment: a Project Change Request process will be in place for all projects. This will provide a framework within which changes to the project will be identified and reported by the project lead to Pendle Council.</p> <p>Project lead comment: A £5mn cash backed, Strategic Investment Reserve has been established by the College Board for the purpose of medium-term financing of capital projects including this Towns Deal Digital Academy scheme. More than £1mn of this reserve has yet to be allocated providing for considerable contingency cover. We'll ensure at all stages going forward that sufficient contingency is maintained.</p> <p><b>August 2023 Project Lead update:</b></p>

					As the above capital costs are managed, the integrity of scheme design is fully maintained.
	3	Clear milestones for the securing of relevant planning permissions for College Hub Phase 2 and Town Centre Spoke works should be set out in order for any delivery risks to be identified at the earliest opportunity	Pre-commencement	Grant Funding Agreement - milestones included	<p>Town Centre Spoke works not yet scoped and will necessarily be modest in nature given budget envelope/ requirement expectation, negligible planning risk, Hub Phase 2 similarly has a very low planning risk given the focus on internal reconfiguration and remodelling. Hub Phase 1 works yielded no planning issues.</p> <p>Comment from PMO: Milestones relating to Phase 2 can be picked up and included within the Grant Funding Agreement.  <b>August 2023 Project Lead update:</b>  All Hub planning requirements are now resolved.</p>
	4	Relevant permissions and lease arrangements are in place prior to funding for the Hub. Phase 2 and Town Centre Spoke works being released,	Pre-commencement of Phase 2	Condition Grant Funding Agreement accordingly	<p>This point is understood and accepted. The college won't be incurring any costs of significance against which a grant could be requested re a Town Centre Spoke until a lease is finalised.</p> <p>All relevant planning permissions re Hub Phase 2 will similarly be closed out prior to any physical works commencing on site.</p> <p>Comment from PMO: Grant Funding Agreement conditioned accordingly.</p> <p><b>August 2023 Project Lead update:</b>  Position unchanged.</p>

Project	<b>Business Resilience and Growth</b>				
Delivery Body	Pendle Borough Council (Mike Williams/Iftikhar Bokhari)				
Towns Fund Allocation	£1.9m Capital £100k revenue				
Project Conditions	Condition No	Condition	Condition Type	Date discharged & PMO Comments	Comments from Project Lead
	1	Pendle Borough Council should confirm that management of the project is affordable, given that the cost	Pre-commencement	Condition discharged Nov 22  PMO to monitor revenue spend.	The Lead Project Officer for the programme is an existing Economic Development Officer within Pendle Borough Council. The lead officer is to be backed up and supported by the Principal Economic Development Officer. The project will be overseen by the Head of Service.

		estimates do not account for inflation or wage growth, and confirm that the management resourcing is sufficient to effectively deliver the grants programme			Overall, the project is expected to create 165 new jobs and safeguard 335 jobs.
	2	A process is agreed for early-stage monitoring of take up and for agreeing amendments to the scheme eligibility criteria should it be necessary to expand its coverage.	Pre-commencement	Partially discharged.  Include condition in MoU and milestone in project plan to ensure project review end of yr 1 & consider extension of boundary. If to be amended, updated plan to be sent to DLUH.	A process is in place for monitoring take up and grant progress. Some initial marketing has already been conducted resulting in a small pipeline of potential projects to support and Expressions of Interest from businesses are currently being sought. Take up of the scheme will be monitored and reported to the Programme Manager and the Town Deal Board on quarterly basis, with recommendations from the lead officer and grants panel for required actions to stimulate take-up or options available to diversify the scheme, such as expanding coverage to other business sectors other than the manufacturing sector. A review will be undertaken at the end of Year 1, as requested by the Board and the Council's Policy and Resources Committee, to determine whether coverage of the grant scheme should be expanded to the 0.5mile 'buffer zone. The review process is a continuous process and as of the date of this report NTD Board and PBC Council will be requested to approve changes to the programme due to the very limited take up by manufacturing businesses in the second year of the programme.
	3	Appropriate mitigations should be considered in the early stages of project deliver for a situation where support from Boost Lancashire is not provided after the first 18 months.	Condition for delivery (within first 12 months)	Partially discharged.  Include condition in MoU and milestone in project plan to monitor the position with this support.	PBC has chosen to support the continued existence of the Boost business Gateway service, following the end of European funding. The replacement funding is to come from the UK Shared Prosperity Fund and has been committed to Pendle's UKSPF Investment Plan. This will secure a continuation of Boost until March 2025. Enough Lancashire local authorities have also expressed a willingness to support Boost with UKSPF funding to make this service viable to deliver.  Should extenuating circumstances mean that this arrangement did not come to pass, Pendle is committed to using its UKSPF allocation for a continuation of a business support service and there are several private providers who already delivery on behalf of Boost and have expressed a willingness to act as



					available support providers were Boost not to continue.	
	4	The Town Board should also ensure that processes are in place to confirm that appropriate experience and expertise is included on the Grants Panel.	Pre-commencement	Partially discharged.  Include condition in MoU and milestone to review panel membership on an annual basis.	A grant panel has been put together which consists of a range of public and private sector individuals, with a range of complimentary experience and expertise between them. The panel is of a suitable size that it can operate at a quorate, with enough expertise should members be unavailable. A list of proposed panel members is included at APPENDIX 1. All panel members have been approached and they are happy to participate. It is proposed that membership of the panel is reviewed on an annual basis, with the outcome of the review and any proposed changes being reported to the Town Deal Board.	

Project	Healthy Town				
Delivery Body	Pendle Leisure trust (Alison Goode) and Pendle Borough Council (Phil Riley)				
Towns Fund Allocation	£1.7m Capital for Pendle Leisure Trust £590k Parks				
Project Conditions					
	Condition No	Condition	Condition Type	Date discharged & comments from PMO	Comments from project lead
	Parks - £590k				
	1	The applicant should provide detail on the approach to inflation in respect of costs for the Parks project element,	Pre-commencement of work		With regards to inflationary elements, every part of the parks scheme can be value engineered to reduce costs if needed. For example, rather than resurfacing 500m2 of tarmacadam, we may need to reduce it down to 45m2. The playground upgrades may be subject to a minor piece of equipment being removed from the plan to keep the budget straight, although within this example, Nelson town council have requested that in the instance of inflation affecting a scheme they would be able to contribute.
2	The implications of cost inflation and cost overruns should	Condition of Delivery		Within each specific project, it is envisaged that a percentage of allowance will be left on top of the quoted prices to allow for unforeseen issues. If all goes to plan,	

		be carefully monitored over the coming months, so that suitable mitigations can be identified at the earliest opportunity			then any underspend can be spent at the end of the project enhancing or extending the installations. This will work in conjunction with condition 1 above. Small amounts of revenue budgets may also be available to be used if required.
	Pendle Leisure Trust £1.7m				
	1	A report back from the Council within 9 months should it not have approved and progressed the project after consideration of the Strategic Leisure Review undertaken by the Leisure Trust and the Council			
	2	An update to the Town Deal Board concerning the implications and potential fallback position if a grant allocation from Sport England is not secured			
	3	An update to the Town Deal Board concerning the status of Wavelengths design work and the subsequent procurement process to achieve cost			

		certainty (to minimise inflationary risk),			
	4	The implications of cost inflation and cost overruns being carefully monitored over the coming months, so that suitable mitigations can be identified at the earliest opportunity,			
	5	If there is the potential for inflationary pressures or other risks to result in a reduction of the scope of what is affordable and deliverable for the Wavelengths element, a clear process by which amendments to the scope of work will be agreed with PBC and the Town Board should be agreed ahead of confirming a funding agreement,			


Project	<b>This Is Nelson</b>				
Delivery Body	In Situ				
Towns Fund Allocation	£310k Capital £417k Revenue				
Project Conditions	Condition No	Condition	Condition Type	Date discharged & PMO Comment	Response from project lead
	1	How inflation will be managed and the implications on the project delivery is clearly set out and continues to be monitored closely	Pre-commencement & condition for delivery	<i>Further response to be checked with sub group</i>	<p>Elements of the capital programme are still being developed, depending on the identified areas of capital spend. Inflation will be managed to the current budgets as an when we are ready to develop any capital spend. The canal programme with SSW Ripple Effect is also currently exploring what ideas will come through the engagement process and again the budgets will be managed in line with current inflation and addressed at the point of further clarity on investment.</p> <p>Further response following Appraisal sub- group feedback:</p> <ul style="list-style-type: none"> <li>- We are drawing up fully costed project budgets depending on the delivery.</li> <li>- We ensure that we have a 10% contingency across our whole budget to absorb additional costs and fees.</li> <li>- An Annual Delivery Plan (see condition 6) will be developed for the project in line with budgets. Any potential changes to the project due to inflationary pressures will be identified and considered by the project working group and further discussed with the PMO.</li> </ul>
	2	Clear milestones for confirmation of match funding and the implications of any funding sources not being secured are clearly set out.	Pre-commencement (& condition for delivery – keeping milestones under review)	<p>Discharged Nov 22</p> <p>Key dates to be added into project milestones in GFA</p>	Table provided outlining key dates for bidding for funding. Each funding stream will have options to resubmit if unsuccessful with anywhere from 6 weeks to 3 months delay on delivery for strands on the programme. A significant re-focussed programme with just NTD monies can be reprogrammed. e.g., if Heritage Lottery is unsuccessful then that strand can be shifted accordingly.

	3	Processes are in place for agreeing how any shortfall in funding is addressed and for agreeing any project changes and revisions to project scope.	Pre-commencement & condition for delivery	Discharged Nov 22	<p>A funding scheduled can be reported to the overall steering group of This is Nelson and updates can be shared the NTD subgroup on a quarterly basis for Year 1&amp;2</p> <p>PMO comment: a Project Change Request process will be in place for all projects. This will provide a framework within which changes to the project will be identified and reported by the project lead to Pendle Council.</p>
	4	Clear milestones for delivery are set out	Pre-commencement & condition for delivery (linked to annual delivery plan)	<p>Discharged Nov 22</p> <p>Capture milestones in GFA</p>	<p>A programme for Year 1 has been attached.</p> <p>Given the organic nature of this project, an annual delivery plan will be submitted at the start of each financial year, therefore at this stage it is not possible to list all milestones. Those that have been provided will be captured in the Grant Funding Agreement and form part of the monitoring reports to the Board.</p>
	5	Further clarity over the roles and responsibilities for each element of the project is clearly set out and is reflected within the MOU's for organisations.	Pre-commencement	Discharged Nov 22	<p>MOU for Building Bridges and SSW have been agreed and signed, these set out the roles and responsibilities. These are attached.</p> <p>Job roles and responsibilities have also be attached for the programme, including the community engagement role lead by Building Bridges as part of the partnership.</p>
	6	An annual delivery plan is submitted to and approved by the Board prior at the start of each financial year, given the co-creative/organic nature of the project.	Condition for delivery	Discharged – Annual Delivery Plan to be a condition in GFA and included in milestones table.	This will be submitted as requested on an annual basis in a form relevant to the group. It is envisioned that a member of the subgroup from PBC will also be part of regular steering group meetings throughout the project.

Project	<b>Revitalised Nelson</b>
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Delivery Body	Pendle Borough Council				
Towns Fund Allocation	£13,265,297m Capital				
Project Conditions	Condition No	Condition	Condition Type	Date discharged & PMO Comments	Comments from Project Lead
	1	The Town Board receives the necessary assurances concerning the flexibility of the proposals to accommodate the realisation of project risks and/or cost inflation above the forecast level			Outline in risk register where appropriate
	2	Clear timescales are agreed for when a full commitment to the development proposals can be made by the JV, and that appropriate mitigations / fall-back positions are considered			Timescale and milestones shared as part of the monitoring process. Any mitigation for this has been picked up as part of the risk register.
	3	The applicant sets out options for managing the current forecast shortfall in funding (of £160,000) for Trafalgar House			Trafalgar House proposals currently under review to mitigate funding shortfall while ensuring aim to resolve parking capacity requirements are satisfied.
	4	The implications of any reallocation of funding (including the Relocation Fund) are fully considered ahead alongside any approval for a change request – including the implications on value for money, delivery of outputs, and existing business			Ongoing

		tenants at Pendle Rise			
	5	Timescales are agreed for the development of a more detailed development programme, to (i) provide assurance that funding is deliverable within the proposed timescales and (ii) to ensure that the implications of any potential delays can be considered at the earliest opportunity			<p>Timescale and milestones shared as part of the monitoring process. Any mitigation for this has been picked up as part of the risk register.</p> <p>Assurance from DLUHC has been made regarding the allocation of Town Deal funding during the funding timeline through the CPO process if necessary.</p>
	6	A profile of match funding is provided by the applicant			The mechanism for £12million of match-funding has been approved by DLUHC. Balance under review.
	7	Milestones are agreed for confirming the proposed delivery model for each element			Outline project programme has been produced
	8	The Town Board is satisfied that sufficient evidence is provided in relation to future occupier demand, and if necessary, an approach is agreed for more formally considering potential demand			Updated development appraisal has been produced based on retailer demand
	9	Release of funding is dependent on the receipt of satisfactory legal advice concerning Subsidy Control			Satisfactory legal advice has been obtained though the JV Board and an appropriate complaint approach formally agreed
	10	Early-stage development milestones are agreed for elements of the management case, including a detailed delivery programme and risk register, and consideration of			Timescale and milestones shared as part of the monitoring process. Any mitigation for this has been picked up as part of the risk register

		external project dependencies			
	11	Roles and responsibilities (specifically between PBC and PenBrook JV) for each element should be confirmed.			Key roles and responsibilities are outlined in the agreed approach to subsidy control.
	12	Further detail should be provided in relation to the management and operation of the Relocation Fund			Work in progress

Project	<b>Pendle Youth Employment Service Hub (YES)</b>				
Delivery Body	Pendle Borough Council (Gill Dickson)				
Towns Fund Allocation	£420,388				
Project Conditions	Condition No	Condition	Condition Type	Date discharged & PMO Comments	Comments from Project Lead
	1	That the Phase 1 evaluation report is submitted to the board following its completion in March 2022, along with any lessons learned/factors to be considered in the future delivery of the project	Condition for delivery	PM - Completed (date unknown at this stage)	Evaluation report considered by Board 1 <sup>st</sup> April 2022.