

**Forward plan reference number:** FP/AB/589

<b>Report title:</b> Local Growth Fund – London Gateway/Stanford le Hope Update Report	
<b>Report to:</b> Accountability Board	
<b>Report author:</b> Kevin Munnely, Assistant Director Regeneration and Place Delivery, Thurrock Council and Howard Davies, SELEP Capital Programme Officer	
<b>Meeting date:</b> 25 November 2022	<b>For:</b> Information
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<b>SELEP Partner Authority affected:</b> Thurrock	

## 1. Purpose of report

- 1.1. The purpose of this report is for the Accountability Board (the Board) to receive an update on the delivery of the London Gateway/Stanford le Hope Local Growth Fund (LGF) project (the Project), which has been identified as High risk.
- 1.2. As the Project is considered to be High risk, there is a requirement for the Board to receive updates on project delivery until satisfied that the risks have been satisfactorily mitigated.
- 1.3. Alongside an update on delivery, this report also seeks to outline the complexities of progressing the Project in the current economic climate and the implications this has for the deadline previously agreed by the Board for consideration of the revised Business Case for the Project.

## 2. Recommendations

- 2.1. The Board is asked to:
  - 2.1.1. **Note** the update on delivery of the Project.
  - 2.1.2. **Note** that a request for an extension to the deadline for consideration of the revised Business Case for the Project will be presented at the March 2023 Board meeting.
  - 2.1.3. **Note** that a further update on delivery of the Project will be brought to the March 2023 Board meeting and will include an update on the planned delivery programme.

## 3. Background

- 3.1. The main aims of the Project are to:
  - 3.1.1. Develop an interchange that will connect bus, rail, cycle, taxi, and pedestrian modes of transport at Stanford le Hope station.
  - 3.1.2. Expand capacity at Stanford le Hope Station.

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- 3.1.3. Implement a package of works that meets the requirements of travel plans for London Gateway and unlocks the next phase of development at London Gateway.
    - 3.1.4. Provide improvements to public transport infrastructure and service reliability to new housing developments and to the major employment growth sites at London Gateway/Coryton.
    - 3.1.5. Help curb traffic growth and minimise growth in transport emissions in the area through this new transport interchange.
  - 3.2. To assist with delivery of this complex regeneration project, the works as set out in the original Business Case have been split into 2 phases:
    - 3.2.1. Station building - with passenger toilets, widened platform, level access to building and station platforms, real time customer information systems (Phase 1).
    - 3.2.2. Multi-modal interchange – 2 car passenger drop off positions with landing island, 2 taxi rank positions with landing island and shelter, 84 secure cycle parking spaces, 2 drop off positions and 1 pickup position for a bus with waiting facilities, protected pedestrian walking routes and desire lines (Phase 2).
- 3.3. The original Business Case demonstrated High value for money with a Benefit Cost Ratio (BCR) of 9.4:1. The Project supports the creation of an estimated 756 new jobs at DP World London Gateway and Thames Enterprise Park over the period up to 2031 through provision of infrastructure that will improve accessibility by sustainable modes of travel.
- 3.4. The Board approved an LGF allocation of £7.5m of the estimated £12.05m project cost in February 2017. This allocation has been spent in full supporting design development, ground investigation, site de-risking, planning process and demolition works.
- 3.5. Costs initially increased as a result of significant changes being made to the design of the station following completion of site investigations, consideration of environmental constraints and the practicalities of construction. To expedite delivery of the station, land was acquired to the north of the station site (former Daybreak Windows site). This was intended to assist with the development of a more strategic approach to area-wide regeneration including the opportunity for future improvements to sustainable movement and access. This land will also assist the construction of the new station facilities whilst maintaining operability of the station. In addition to the complex nature of the site, costs have also been affected by inflationary pressures and the wider impacts of Covid-19.
- 3.6. The current cost estimate of £29.09m is the working budget for both phases of the Project. The estimate will be subject to confirmation of future costs through tender processes and final completion audits of the Project.
- 3.7. At the September 2022 meeting, the Board were advised that an updated Business Case had been received by SELEP incorporating a new approach for the Multi Modal Hub. However, due to the need to include further information around project deliverability and funding for the entire project, the Independent Technical Evaluator was unable to assure the Value for money and realisation of benefits. The Board agreed at the meeting in September 2022 to:

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- 3.7.1. To allow time for further work to be undertaken on the Business Case and to allow for a further review to be completed by the Independent Technical Evaluator;
  - 3.7.2. Allow time for Thurrock Council to address and mitigate the risks to delivery of the Project outlined in the report; and
  - 3.7.3. Allow time for Thurrock Council to develop their plans for Phase 2 of the Project enabling them to confirm that a full funding package is in place to deliver the full scope of the Project as set out in the Business Case.
- 3.8. The Board also noted that if these points are not adequately addressed in advance of the first Board meeting of 2023/24, the LGF funding will be removed from the Project and will be returned to Essex County Council (as Accountable Body for SELEP) within 4 weeks by Thurrock Council for reallocation to alternative projects.
- 3.9. Work to execute the station construction contract has been hindered by the issues around soaring inflation, national procurement lead in times, the allocation of liabilities and risks between the parties to satisfy the fixed price contract and rail possession availability.

### **4. Phase 1 Station Upgrade - progress since the last update to the Board**

- 4.1. Contract award for Phase 1 of the Project (the new station) to the successful contractor - Volker Fitzpatrick Limited - was made in early March 2022. To ensure mobilisation as quickly as possible, a Letter of Intent was issued pending formal contract execution.
- 4.2. The planned Contract with Volker Fitzpatrick Limited is an NEC4 Engineering and Construction Contract June 2017 main Option A. This is a fixed priced contract with an activity schedule where the risk of carrying out the work at the agreed prices is largely borne by the contractor. Execution of the contract has been delayed due to continued concerns regarding cost inflation, national supply chain for manufactured goods issues, scope change risk with Network Rail and c2c as design approvers and rail possession availability impacting the contractors risk liability.
- 4.3. Volker Fitzpatrick Limited has proposed alternative or changed terms and conditions to execute the contract which Thurrock Council have had to reject as they are outside the procurement rules. In September 2022, Thurrock Council and Volker Fitzpatrick Limited developed a proposal that could allow the parties to execute the contract and manage the risks step by step and incrementally within the existing contract terms and conditions. It was planned to execute the contract by 31 October 2022, subject to further clarifications of detail and agreement on matters such as the treatment of inflation, possession availability, prolongation and increased costs.
- 4.4. The parties have not been able to agree terms and conditions on the detailed elements and Thurrock Council are currently considering the next steps, with alternative procurement strategies being considered and developed concurrently.
- 4.5. The chosen form of contract places significant risk with the contractor and this has been the main issue preventing Volker Fitzpatrick Limited signing the contract. Ensuring both parties are satisfied with the level of risk they may be taking on is a delicate balance. However, with the current inflationary pressures and rising costs, the complexities of the rail environment

combined with Thurrock Council being unable to change terms and conditions has led to the extended negotiations and a 7 month delay to the overall programme.

- 4.6. Network Rail Governance of Rail Investment Projects (GRIP) Stage 4 Concept Design Single Option Development acceptance has been substantially achieved. Sign off from c2c is imminent before final sign off is provided by Network Rail. Combined with additional work done by the project team in conjunction with Network Rail and c2c to further clarify and define the scope of works – this significantly reduces the risk of changes.

## **5. Phase 2 Multi-Modal Hub - progress since last update to the Board**

- 5.1. Phase 2 is at the concept design stage and the current main activity is challenging, revising and updating client and stakeholder requirements. A design remit is being developed and the previous technical solution options being reviewed for their merits and disadvantages.
- 5.2. Progress on Phase 2 has been impacted by the project teams participation in the extended Phase 1 contract negotiations which were prioritised. The Indicative Timeline shown in the September 2022 Board report was very ambitious in an attempt to integrate the development and construction into the Phase 1 works. It was assumed that there was significant float available to develop Phase 2.
- 5.3. The assumption regarding phasing of the design and construction of each phase has been that the former Daybreak Windows site will not be released for development until the Phase 1 works are completed. Therefore the project team assumed and had planned on the basis that there was at least 12 months to develop the requirements, define the scope, develop options and choose a single option before submitting planning permission. Then upon gaining planning consent carry out the detailed design and integrate the construction into the Phase 1 works concurrently if possible or when Phase 1 was complete.
- 5.4. However, the deadline given at the September 2022 Board meeting to provide an assured Business Case for the entire project to the level of detail indicated has removed 6+ months development time from the Phase 2 programme and meant that the more ambitious timeline now had to be met and each activity was now critical. Due to the disruption caused by the extended contract negotiations, appointment of the designer has been delayed. A further risk is that soaring construction cost inflation will impact the budget available for Phase 2 and that confirming a full funding package is a significant issue.
- 5.5. Thurrock Council will be developing and refining their programmes to take account of the issues with Phase 1 and 2 and may need to request an extension of time to providing the assured Business case. Thurrock Council undertake to continue discussions with SELEP officers on progress and the specifics of the updated Business Case. A robust programme will be developed and submitted for consideration at the Board meeting in March 2023.
- 5.6. Thurrock Council have appointed a short term additional resource - a Technical Project Manager to deliver the early critical activities.
- 5.7. The upcoming workstreams are to develop a detailed design brief supported by the lessons learned and based on the schemes already developed. Following this a small number of options will be prepared for stakeholder review and discussion, progressing towards a single

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option solution to be design developed further to Pre-Planning review and on towards a full Planning Consent.

- 5.8. Concurrent with design development cost engineering of the options presented and development of a programme that integrates with Phase 1 will progress.
- 5.9. Network Rail have advised that Phase 2 will fall outside of GRIP process which represents a large risk reduction in the design process and progress.

### **6. Costs and Funding Package**



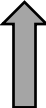
- 6.1. As a contract has not been executed yet, it is not possible to provide an agreed programme or cost for the delivery of Phase 1.
- 6.2. During this period other funding sources will be investigated to enable any funding gap to be closed.
- 6.3. The Project continues to be a high priority project for Thurrock Council and c2c.

### **7. Programme**


- 7.1. The delivery of an assured Updated Business Case which confirms a full funding package and that the benefits within the original Business Case can be delivered is challenging due to the issues faced. Extended contract negotiations have impacted on the programmes for Phases 1 and 2. Also until costs and programme are confirmed for Phase 1 the remaining budget for Phase 2 is unknown. Therefore this impacts the scope and programme for Phase 2 and a robust programme for either phase cannot be provided at this time.
- 7.2. A meeting with SELEP is due to take place to discuss the best way forward. Thurrock Council welcome the chance to use this discussion to set out an agreed path towards the submission of the Business Case.

## 8. RAG Risk Rating

Table 1: RAG Risk Assessment

Risk	RAG rating (September 2022)	Change since last Board meeting	Current RAG rating (November 2022)	Progress & Actions
Phase 1 Contract – continued delays to contract negotiations impact on delivery of the entire project.	Red		Red	Negotiations with the successful contractor have been progressing since March 2022. The type of contract proposed places significant risk with the contractor and is the main issue preventing signing the contract. The current inflationary pressures and rising costs, national procurement issues combined with Thurrock Council being unable to change the terms and conditions has led to extended negotiations and 7 months delay. Concurrently the Project Team have developed alternative procurement strategies
Phase 2 Transport Hub – Increasing cost risks to Phase 1 reduce the amount of funding available for Phase 2. Without a firm scope cost cannot be confirmed.	Red		Red	Project team have appointed a Technical Project Manager supported by Thurrock Council's Principal Design Officer to deliver the critical outputs.
SELEP funding is subject to an updated assured Business Case being submitted to the June 2023 (assumed to be first meeting of 2023/24 – dates still to be confirmed) SELEP Board meeting. The deadline for submission agreed by the Board in September 2022 removed 6+months of development time from Phase 2.	Amber		Red	With the loss of 6+ months of design and development time for Phase 2 each activity and output is now critical. There is a significant risk that the level of detail required for a full Business Case including confirmation of the full funding package will not be available. Additional resource in place to mitigate. Thurrock Council plan to request an extension of time to the deadline for Business Case submission in March 2023 when scope and schedule will be developed and mature.

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<p>The detail required for the updated Business Case may not be achieved in developing design to concept stage where costs are at a +/- 30% confidence level. An element of detailed design may be required to provide the level of detail required for the Business Case.</p>				
<p>Project Budget/Cost – Remaining budget may not be sufficient.                  Since budget was last reviewed and increased - major inflationary pressures have existed impacting construction costs. This is combined with national procurement issues affecting time and cost of manufactured elements which form a large part of the new modular railway station.</p>	Red		Red	<p>Further funding may be required to deliver the full project benefits. Alternative/additional funding sources are being investigated.</p>

## **9. Next Steps**

- 9.1. Completion of the process that is causing a delay to the contract situation on Phase 1. In tandem with this, Thurrock Council have been exploring impacts and alternatives for the delivery of Phase 1.
- 9.2. Thurrock Council engaging with the Network Rail and c2c to finalise the sign off for the GRIP4 documentation in readiness to commence detailed design.
- 9.3. Finalising the appointment of the design team for Phase 2. An additional Technical Project Manager has been added to the Thurrock team to deliver the key activities.
- 9.4. Discussions to take place with SELEP and Accountable Body officers to set down an agreed path to submission of the Business Case, including agreeing to the content and level of detail. Key to this is agreement from the Board to extend the date of the submission of the Business Case.
- 9.5. The new timeline will be presented to the Board at their meeting in March 2023.

## **10. SELEP Comments**

- 10.1. This report seeks to provide an update on the delivery of the Project and to explain the challenges currently being faced by Thurrock Council in progressing the Project.
- 10.2. It is clear that the primary focus since the last Board meeting has been on progressing the discussions with the chosen contractor for Phase 1 of the Project. Despite the efforts made, it has still not been possible for Thurrock Council to enter into the contract. The situation has been complicated by the type of contract chosen and the ongoing economic uncertainty which significantly adds to the risks faced by the contractor. The ongoing delays in entering into the Phase 1 construction contract are impacting on the delivery programme for both phases of the Project.
- 10.3. At the last meeting, it was agreed that a revised Business Case for the Project should be presented to the Board at the first meeting of 2023/24 (assumed to be June 2023) at the latest. This timeline was based on the milestones provided for Phase 2 which indicated that it was expected that the planning application for the proposed works would be submitted in February 2023. It was assumed that by the time the planning application was submitted, there would be sufficient information available to complete the revised Business Case.
- 10.4. As set out in the report, Thurrock Council have now indicated that this timeline was very ambitious, and was perhaps not a particularly robust basis on which to determine the deadline for Business Case submission. In addition, the delivery programme for Phase 1 has been further impacted by the ongoing delays in finalising the construction contract.
- 10.5. As a result of these factors, Thurrock Council have indicated that additional time is likely to be needed to develop a revised Business Case which meets the requirements of the SELEP Assurance Framework. At the current time, it is not possible for Thurrock Council to provide a definitive timeline for completion of the construction contract for Phase 1 due to the complexities outlined in the report. The delivery programme for the remainder of the Project



cannot be established until the construction contract has been signed and therefore, it is not currently possible for Thurrock Council to give a robust timeline for completion of the revised Business Case.

- 10.6. Whilst acknowledging the importance of bringing forward the revised Business Case in a timely manner, it seems reasonable to allow Thurrock Council until the March 2023 Board meeting to further develop the delivery programme for both phases of the Project to better inform the timeline for developing the Business Case. It is important that the Project is further developed, particularly Phase 2, before the Business Case is brought forward to ensure that it gives the Board the required assurances regarding the deliverability and affordability of the Project.
- 10.7. A number of significant risks to project delivery remain, including formalising the appointment of a contractor to deliver Phase 1 and the need for further development to be undertaken on the proposals for Phase 2. In addition, there continues to be uncertainty as to the total project cost and the delivery programme. It is expected that Thurrock Council will be able to provide a full update on project delivery at the March 2023 Board meeting, and that this update will help to mitigate some of these risks.
- 10.8. In the meantime, SELEP will continue to engage regularly with Thurrock Council officers to understand the status of the Project and to discuss the optimum timeline for preparation and submission of the revised Business Case. The proposed timeline for preparation of the revised Business Case will be brought forward for Board consideration at the March 2023 meeting.

## **11. Financial Implications (Accountable Body comments)**

- 11.1. There continue to be a number of challenges to completion of the London Gateway/Stanford le Hope Project, albeit that the LGF has already been spent supporting delivery; this presents risks on assuring delivery of the expected outcomes and value for money, especially given the increase in Project costs and delivery challenges identified.
- 11.2. The revised business case will need to set out what the investment to date, including the LGF investment of £7.5m, has delivered and confirmation that all investment made to date continues to comply with the terms of the SLA in place.
- 11.3. An essential component of the revised business case will be confirmation of expected costs and the full funding package being in place for both Phases, particularly given the impact of inflation and other economic challenges on the Project.
- 11.4. 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.
- 11.5. All LGF is transferred to Thurrock Council, as the Project's Lead Authority, under the terms of a Funding Agreement ( SLA) which makes clear that funding can only be used in line with the agreed terms. It is also clear that ensuring sufficient funding is available to support delivery of the Project is the responsibility of Thurrock Council.

- 11.6. The SLA also sets out the circumstances under which the Council must repay all or part of the LGF allocated to the Council, if the Accountability Board so requires, because:
- 11.6.1. The Council fails to deliver the Project in accordance with the approved Business Case;
  - 11.6.2. A Project is Changed and the Accountability Board declines to agree the Change; or
  - 11.6.3. The Project can no longer meet the Grant Conditions which set out that the LGF may only be used for purposes that meet the requirements for Capital expenditure.
- 11.7. Should the Board determine at a future meeting that Thurrock Council is required to repay some or all of the LGF associated with this Project, then the Accountable Body will work with Thurrock Council to make arrangements for any agreed return of funding.

## **12. Legal Implications (Accountable Body comments)**

- 12.1. The grant is administered in accordance with the terms of the Grant Determination Letter between the Accountable Body and Central Government and is required to be used in accordance with the terms of the Service Level Agreement between the Accountable Body and the Partner Authority. The SLA provides for changes to the project to be considered by Accountability Board for approval. The SLA also sets out that Accountability Board has the option to require all or part of the grant to be repaid if the Partner Authority fails to deliver the Project in accordance with the approved business case or the project can no longer meet the grant conditions.

## **13. Equality and Diversity Implications**

- 13.1. 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:
- 13.1.1. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act.
  - 13.1.2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - 13.1.3. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 13.2. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation.
- 13.3. 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.

## 14. List of Appendices

### 14.1. Appendix A - London Gateway/Stanford Le Hope Project Background

**(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
<b>Accountable Body sign off</b>  Michael Neumann  (on behalf of Nicole Wood, S151 Officer, Essex County Council)	22/11/2022

## Appendix A – LGF Project Background Information

<b>Name of Project</b>	<b>London Gateway/Stanford Le Hope</b>  Thurrock Council
<b>Local Growth Fund allocation</b>	£7.5m (awarded February 2017)
<b>Description of what Project delivers</b>	<p>On the north banks of the Thames Estuary in Stanford-le-Hope, Essex, London Gateway is the U.K's newest and most technologically advanced deep sea container port catering for global shipping. Once fully developed, London Gateway shall comprise six deep sea shipping berths alongside the logistics park. The London Gateway Logistics Park offers convenient, modern warehousing space on a campus the size of 400 football pitches, the largest of its kind in Europe, with 9.25 million sq ft of available warehousing space. Adjoining the London Gateway port, the Thames Enterprise Park project aims to refurbish part of the closed Coryton oil refinery. This will provide over 3.7 million sq. ft of development space for manufacturing, energy and logistics operations creating new jobs for the local area.</p> <p>In total, London Gateway and the Thames Enterprise Park are anticipated to generate approximately 18,982 direct jobs (on-site) with a further 14,183 indirect jobs created within supply chains. (Source – Thurrock Council).</p> <p>Currently, three port berths are operational at London Gateway, however DP World announced in September 2021 that works were to begin on a new fourth berth to increase supply chain resilience and create more capacity for the world's largest vessels.</p> <p>DP World London Gateway is remote from the Thurrock Urban Area and accessibility will be an issue for prospective employees without access to a car. Ensuring a sufficient labour supply and good job/skills matching will be critical for not only realising the growth but sustaining the jobs in the long term by maximising productivity. It is therefore necessary to ensure that high quality accessibility is provided by non-car means through better bus facilities in Stanford-le-Hope and high-quality rail/bus integration to attract employees. In addition, good quality passenger transport facilities and bus/rail integration will be necessary to achieve the modal split targets for the development.</p> <p>Since the original business case submission in 2017, the Thames Freeport has been created in December 2021, this is an economic zone connecting Ford's Dagenham engine plant to the global ports at London Gateway and Tilbury. The Freeport can secure more</p>

than £1 billion in new port infrastructure and more than 21,000 new direct and indirect jobs on its estate.

The original business case scope included a new multi-modal Interchange on the station forecourt though this did not proceed due to feasibility and cost constraints. An alternative multi-modal interchange is being considered on the opposite side of London Road in the existing station car park and land adjacent to it.

This included car passenger drop off positions, taxi rank positions, 84 secure cycle parking spaces, 2 drop off positions and 1 pickup position for a bus with waiting facilities.

Due to the complexities of delivery the project as set out in the Business Case has been split into 2 phases:

**Phase 1 - Station buildings** – The development of new station buildings providing the following key facilities to support passenger growth.

- Modular canopy structures covering prefabricated station buildings
- Passenger toilets
- Commercial retail facility
- Widened Platform 1
- Passenger footbridge with lifts
- Level access from London Road to both station buildings and to the platforms
- Real-time Customer Information System

### **Phase 2 - Mobility Hub and Shuttle Bus**

A new mobility hub is to be constructed on the opposite side of London Road to the station, integrated into the existing station car park and adjacent vacant Council owned site. The new hub is to include the following key facilities to support transport interchange:

- 84 secure cycle parking spaces
- Provision for electric pedal bike hire scheme and charging points
- Car passenger drop off positions
- Bus interchange capacity
- Taxi rank positions

Initial feasibility studies have identified a number of space and traffic issues that will need to be addressed in the design process to accommodate the integration of the dedicated DP World shuttle bus stop into the mobility hub design. It is anticipated that the future

	integration of the adjacent development sites will provide a long-term design solution.
<b>Project benefits</b>	<p>The scope of the project is to provide new station buildings including a footbridge with lifts, mobility hub on London Road opposite the station including and a dedicated DP World shuttle bus stop, that will:</p> <ul style="list-style-type: none"> <li>• Provide a mobility hub and dedicated shuttle bus interchange to support the existing London Gateway Travel Plan and future Thames Enterprise Park Travel Plan.</li> <li>• Provide additional passenger capacity at the station to accommodate local growth in jobs and housing</li> <li>• Provide a new station building that improves the perceptions of Stanford-le-Hope station</li> </ul>
<b>Project constraints</b>	<ul style="list-style-type: none"> <li>• Contract negotiations for Phase 1 are still ongoing</li> <li>• Planning Permission is not in place for all elements of the project (Phase 2).</li> <li>• Work is ongoing to confirm that a full funding package is in place.</li> <li>• An updated Business Case is required to confirm that the Project continues to offer High Value for Money and that delivery of benefits as set out in the original Business Case remains realistic, following a substantial increase in project costs. An updated Business Case was provided but, based on the information provided, the ITE was unable to assure that the project continues to offer High value for money. It was agreed at the September 2022 Board meeting that the updated Business Case should be presented to the first meeting in the financial year 2023/24 (expected to be June 2023).</li> </ul>
<b>Link to Project page on the website with full Business Case</b>	<a href="https://www.southeastle.com/project/london-gateway-stanford-le-hope/">https://www.southeastle.com/project/london-gateway-stanford-le-hope/</a>