

HIGH PEAK BOROUGH COUNCIL

Economy and Growth Select Committee

1 October 2020

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|------------------------------|--|
| TITLE: | HIF Programme and Fairfield Roundabout Update |
| EXECUTIVE COUNCILLOR: | Councillor Damien Greenhalgh - Deputy Leader & Executive Councillor for Regeneration, Tourism and Leisure |
| CONTACT OFFICER: | Joanne Brooks, Sarah Porru - Regeneration Officer, Head of Regeneration |
| WARDS INVOLVED: | Barms and Stone Bench Wards |

Appendices Attached

Appendix 1 – Map showing the location of the roundabout, link roads and housing sites.

Appendix 2 – Project costs – Part 2

Appendix 3 – Risk Register

Appendix 4 – Planning Approval - roundabout position and link road alignments

- 1. Reason for the Report**
 - 1.1 To provide members with an overview and project update on progress in delivering the Homes England funded Fairfield Roundabout.
- 2. Recommendation**
 - 2.1 Members are requested to note this update report and to review progress in securing delivery of this project.
- 3. Executive Summary**

Background

- 3.1 Following the submission of a Housing Infrastructure Fund (HIF) bid by the council in Dec 2017, Homes England (HE) has made a grant award to the council of £2m towards the construction of the Fairfield roundabout and link roads. Delivery of this infrastructure will unlock housing sites allocated in the

Local Plan at Hogshaw and Granby Road, bringing forward 346 homes (Hogshaw 263 and Granby Road B 83). In addition, it will release and accelerate the development of a privately owned site at Waterswallows, which has the potential to provide an additional 268 homes. Housing delivery on all sites is reliant upon the construction of the roundabout and link roads. The relationship of the roundabout, link roads and housing sites are shown in appendix 1.

- 3.2 Members received an update on this project at the end of July 2020. It was agreed that a further update report would be prepared for the Economy and Growth Committee for its 1st October meeting.

Role of Council owned land

- 3.3 The provision of the roundabout and link roads to the east and west provides access to the housing sites at Hogshaw, Waterswallows and Granby Road. With the exception of Granby Road B (which is council owned) the other sites are in a combination of private and council ownership. The acquisition of council land (B3 and B4 on appendix 1) is required to deliver a comprehensive residential scheme at Hogshaw of 263 homes. Disposal of this land is subject to a separate report for Member's consideration at the October Executive.
- 3.4 Development of the Waterswallows site requires the developer to purchase an area of council owned land (site D on appendix 1). This will be subject to a separate report to the Executive later in the year.

Design and construction of the roundabout

- 3.5 DCC have now completed the advance design works of for the roundabout and have identified the anticipated construction costs to the back of the splitter islands. A detailed breakdown of costs is shown and summarised in appendix 2 (Part 2 of this report).
- 3.6 Planning approval for the roundabout was secured in July 2020 and the next stage of the process is for DCC to undertake the detailed design drawings for tender purposes. However, they cannot embark upon this next stage of works without advance funding from HE.
- 3.7 A previous report (June 2020) obtained member approval to manage the procurement of a suitable contractor to construct the roundabout. It has been agreed to procure a contractor using the Midlands Highway Alliance MSF3 route, which should streamline and shorten the procurement process. This option has been approved by the council's procurement team and HE.

Homes England grant funding and capacity support

- 3.8 The HE Grant Funding Agreement (GFA) has been subject to lengthy discussions between the council and HE and was signed by both parties in December 2019. Despite signing the GFA, the council is unable to draw down the total commitment of funding (£2m) until a number of pre-draw down conditions are met.

- 3.9 The council are currently working with HE, County, land promoters and developers to discharge the pre-draw down conditions swiftly to enable the project to progress. However, there are a number of conditions that are complex and require further negotiation with HE to ensure the Council has a realistic prospect of being able to satisfy them. HE has agreed to assist the council by providing an additional grant to fund the acquisition of capacity support from a development consultancy to deliver the conditions when they are settled.
- 3.10 In order for the project to proceed to the next stages(s), HE has offered an advance payment of £500,000 from the £2m. This combined with the additional capacity support will allow the project to progress in a timely manner, in order to meet the grant funding deadline of March 2022. An outline project programme is presented in 3.12.
- 3.11 Planning permission has also been approved for the golf course mitigation works. As part of a revised lease between the council and the Golf Club, the Club will be required to surrender part of the course in order to construct the roundabout and link roads. The legal work in respect of the surrender and regrant of the Lease is well advanced.

Project timetable

- 3.12 The infrastructure works must be complete, and grant claimed by March 2022. The current timetable below sets out a programme that completes the works by March 2022

| Milestone | Timetable | Progress |
|--|----------------------------|-------------------|
| Accept HE grant award | Dec 2019 | Complete |
| Submission of planning application | Jan 2020 | Complete |
| Planning decision – roundabout | July 2020 | Complete |
| Planning decision Golf Club | July 2020 | Complete |
| Advance Design | July 2020 | Complete |
| Project and cost review | October 2020 | Currently ongoing |
| Detailed drawings for tender | Oct 2020 – Feb 2021 | |
| Procurement process | Feb 2021 – May 2021 | |
| Start Golf Club mitigation works | ASAP in discussion with GC | |
| Roundabout construction | June 2021 – Dec 2021 | |
| Project Completion Date (Includes a 3 month buffer for final claim and any slippage) | 31 March 2022 | |

4. How this report links to Corporate Priorities

- 4.1 Accepting the award of grant, construction of the roundabout and accelerating housing delivery contributes towards the following aims of the Corporate Plan 2019 – 2023 by:

- Aim 2: A responsive, smart, financially resilient and forward thinking council.

- Aim 3: Protect and create jobs by supporting economic growth, development and regeneration

5. **Alternative Options**

- 5.1 This report provides members with an update on this project and an opportunity to review progress in securing delivery of the Fairfield roundabout. There are no options to consider at this stage.

6. **Implications**

6.1 Community Safety - (Crime and Disorder Act 1998)

The roundabout will be designed to meet all current highway and public safety regulations.

6.2 Workforce

This project requires a multi-disciplinary approach, co-ordinating expertise from various teams. The following teams will contribute staff to the delivery of this project:

- Regeneration
- Assets
- Development Services
- Finance
- Legal
- Communication

The Regeneration Team is able to provide project co-ordination support. DCC as the highway's authority has been procured to provide additional project management experience and expertise in relation to their role as the highway authority. In order to drive the project forward the council has secured additional capacity support funded by HE.

6.3 Equality and Diversity/Equality Impact Assessment

No implications at this stage

6.4 Financial Considerations

A sum of £35,000 has already been approved and allocated against the feasibility work (Executive April 2018). In addition, Derbyshire County Council provided up front costs of £52,000 to allow for the preparation of the planning application. All remaining fees relating to technical design, procurement, project management and construction costs will be met from the HE grant award of £2m, and any additional funding contributions required

However, the council are unable to continue to progress the project without the ability to draw down funds. The council cannot draw down any further funds until the GFA conditions are met. HE has

agreed to make an advance payment of £500,000 from the £2m to allow the project to proceed. This combined with the additional capacity support will allow the project to progress in a timely manner, to meet the grant funding deadline of March 2022.

The required additional capacity support is being funded by Homes England.

The cost of the roundabout and options for additional funding to meet the project shortfall is outlined in appendix 2 (Part 2 of this report). A summary of which is provided below:

| Roundabout Financial Risk | £ | Comments |
|----------------------------|--------------------|------------------------------------|
| Roundabout Estimated Costs | 2,346,112 | |
| Funded By:- | | |
| HE Grant | (2,000,000) | Subject to pre-drawdown Conditions |
| Developer Contribution* | (200,000) | |
| Total Funding | (2,200,000) | |
| Current Shortfall | 146,112 | |

*subject to agreement

There is the potential for the shortfall to be met from:-

- An additional windfall developer contribution
- A bid to D2N2 for pipeline funding to meet the funding shortfall. Bid submitted 11th September 2020.

Otherwise there is a risk that the Council will have to fund any shortfall, assuming costs do not come in lower than forecasted through the Council competitive procurement and contract management processes.

In terms of the potential financial risk associated with the estimated cost of the roundabout, a 10%, 20% and 30% uplift would result in additional costs of:

| Risk Analysis of further Project Overspend | Financial Risk to the Council (£) |
|--|-----------------------------------|
| 10% increased costs | 234,610 |
| 20% increased costs | 469,220 |
| 30% increased costs | 703,830 |

There is also a potential financial risk of professional fees being expended which cannot be recovered if the project is not delivered. However the likelihood of such overspend occurring is significantly reduced through adhering to the Council's competitive process based on detailed design and construction costing works, that will be undertaken in advance by the County Council's Highway Service.

The roundabout will facilitate the disposal of Council land assets, including the sites at Hogshaw, Waterswallows and Granby Road site B. The exact capital receipt will be dependent on the nature of the agreement with the developers, but is currently estimated at £130,000 in the Medium Term Financial Plan – which is currently included to support funding of existing capital programme commitments. In the Land Disposal Strategy approved by Executive on 9th August 2018, the capital receipts identified for the Waterswallows site was originally £1,100,000 (with nothing assumed for Granby Road B and Hogshaws at that stage)

The land required for the roundabout and spur roads is partially located on Council owned land which is currently leased to the Buxton & High Peak Golf Club. Formal authority has been given to a surrender and re-grant of this lease to remove the land required for roundabout. This will lead to loss of rental income of £12,500 per annum and will reduce the value of the Golf Club asset to effectively nil. Additionally, the golf Club will receive £125,000 for the assignment to the developer, of the Club's leasehold interest, in part of the land which the Council owns.

6.5 Legal

The Council's Officers are currently working with Homes England to negotiate modifications to the grant funding conditions to ensure that the Council has a realistic prospect of being able to satisfy the conditions which must be met before the funding is drawn down.

The risks in the proposal will be mitigated by ensuring that legal agreements are entered into by the various land owners and developers, to ensure, so far as is possible, that each of the different elements of the proposal come forward in a timely way that maximises public value.

The contracts in the proposal must be procured in a way that is consistent with the Public Contracts Regulations 2015 and the Council's internal financial and procurement procedure rules.

6.6 Climate Change

The Local Plan and the Growth Strategy for High Peak are prepared with wider sustainability and climate change considerations. The construction of the roundabout will deliver Local Plan policies and key priorities of the Growth Strategy.

6.7 Consultation

There has been extensive public consultation and an Examination in Public into the roundabout and housing proposals through the Local Plan process. Since then there has been further continued consultation with landowners, developers and stakeholders affected by the construction of the roundabout and link roads. Statutory public consultation has been carried out as part of the

planning submission.

6.8 Risk Assessment

The Grant Funding Agreement contains a number of pre-draw down conditions with varying levels of risk to the council. These were presented to Members in full at the Executive in Feb 2020. An overall project risk assessment is presented in appendix 3.

Neil Rodgers **Executive Director (Place)**

Web Links and Background Papers

July 2020 Economy and Growth – Project Update
June 2020 Economy and Growth - Accelerated Housing
Delivery Programme update
Feb 2020 Executive - HIF project draw down and risks
Aug 2019 Executive - HIF update report and approval to
accept HE grant
April 2018 Executive - AHDP update
Sept 2016 Executive - AHDP approval

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7. PROJECT BACKGROUND

7.1 The Homes England Housing Infrastructure Fund (HIF) is the government's programme to fund new infrastructure works that will unlock sites for the delivery of housing. The fund is used to provide the final or missing piece of infrastructure to get homes delivered quickly.

7.2 The council made a successful bid to this programme and a grant award of £2m has been offered and accepted by the council. The £2m grant will fund a new roundabout along the A6 at Fairfield, Buxton and will provide access to and unlock the allocated housing sites at Hogshaw and Granby Road. In addition, it will help release and accelerate the development of a site at Waterswallows, which already has outline consent for housing. The construction of the roundabout will enable the delivery of a significant amount of new homes as set out in the table below:

| Site | Local Plan allocation | HE funded housing number | Anticipated housing number |
|---------------|------------------------------|---------------------------------|-----------------------------------|
| Waterswallows | 330 (outline approval) | 268 | 268 |
| Hogshaw | 124 | 225 | 263 |
| Granby Road B | 83 | 83 | 83 |
| Total | 537 | 576 | 614 |

7.3 The position of the roundabout, alignment of the link roads and location and relationship of the housing sites are all shown in appendix 1.

Strategic Overview

- 7.4 Providing the roundabout and link roads is crucial in delivering policies within the Adopted Local Plan. This makes provision for the roundabout and link roads and recognises its requirement to access key development opportunities in Fairfield (Policies DS 17, DS 18 and DS 21). Access is a key constraint to development of these sites. The provision of this infrastructure allows several development sites to come forward and deliver up to 614 homes within the Local Plan period. Two of which, have been allocated in the Local Plan since 2005, but have failed to be delivered. Accelerated delivery, through provision of the infrastructure would contribute towards meeting the Council's 5-year housing supply and housing delivery. In addition, the new link road to the east also provides alternative access to Tongue Lane Industrial Estate. This would remove industrial traffic from the existing residential road network, provide an enhanced environmental quality and reduce traffic congestion.
- 7.5 Delivery of housing development on these council owned sites is a key priority as set out on the adopted High Peak Borough Council Accelerated Housing Delivery Plan (AHDP). This is an adopted and proactive mechanism for the accelerated delivery of housing on council owned land and a key priority for growth and housing delivery in the borough.

Economic Benefits

- 7.6 Based upon 614 new homes, this delivery produces a number of economic benefits to the council as follows.
- Council tax gain (Borough Council element) - £ 120,331 per year
 - Annual spend - £5,650,298 per yea
 - Direct jobs created - 656 (construction and supply chain)
 - Affordable units – 103 units
 - New Homes bonus - currently £1,670 pa for 4 years for each property (£2,020 pa for each affordable unit).

Project Management

- 7.7 Derbyshire County Council has been appointed to act as client for the design, and construction of adoptable highway infrastructure. In broad terms, DCC have/will undertake the following elements:
- Project Management – ongoing
 - Determine location of the roundabout and alignment of link roads and prepare a preliminary design – complete
 - Seek planning consent - complete

- Undertake the advanced design of the roundabout and prepare detailed costs – complete
- Subject to the outcome of the costs and project review, undertake the detailed design of the highway infrastructure and prepare contract drawings and documentation ready for procurement by HPBC. – To do
- Assist the council in the procurement of the contractor – To do.
- Supervise and approve the completed works to be incorporated into the DCC asset inventory – To do

7.8 A Project Board has been established comprising members of HPBC and DCC to oversee the design and implementation of the project. A dedicated project manager has been appointed by DCC to coordinate all delivery activities of the new roundabout and link roads within the project scope. More recently, an internal HPBC Director's Project Board has been established to drive the project forward.

8. PROJECT UPDATE

8.1 Members received an update on the project at the end of July 2020. It was agreed that a further update report would be prepared for the Economy and Growth Committee for its 1st October meeting.

Land Disposal

8.2 The provision of the roundabout and link road to the west provides access to the development site at Hogshaw (Local Plan policy DS 17). This site is in a combination of private and council ownership. The acquisition of council land (B3 and B4 on appendix 1) is required to deliver a comprehensive residential scheme and will deliver approximately 263 homes. Disposal of the land is subject to a separate report for Members consideration at the October Executive.

8.3 Development of the Waterswallow's site requires the purchase of an area of council owned land (identified as D on appendix 1). Detailed discussion over the land purchase value is currently ongoing and as such, the land disposal is not as far advanced as Hogshaw and will be subject to a separate report to the Executive later in the year.

Land Assembly

8.4 Both land promoters have made significant and positive steps in agreeing options agreements to purchase the land required to deliver the schemes. On the Waterswallows site, there is one small remaining parcel of land to resolve and discussions on agreeing this are in hand between the land promoter and third-party owners. In addition, both land promoters have taken proactive

steps to progress the housing delivery and assist in the delivery of the roundabout, often working at risk and with significant financial outlay. The council has been working in conjunction with them to deliver the wider project and the land promoters have committed to the following:

- Regular progress and update meetings with council officers
- Completion of a number of investigative surveys to inform housing development
- Working to secure developers to build and deliver the homes
- Financial contributions to the roundabout and commitment to fund and deliver their respective spur roads.
- Signing of Memorandums of Understanding at the outset of the project to confirm commitment and intention of all parties to secure the roundabout and wider housing delivery

Costs

- 8.5 DCC have now undertaken the advance design of the roundabout. This consists of a number of ground condition surveys and detailed discussion with utility companies. The results of these have a direct influence over the anticipated construction costs of the roundabout. DCC has now revised the costs which allows for the construction of the roundabout to the back of the splitter islands. A detailed breakdown of costs is shown and summarised in appendix 2.

Homes England Grant Funding Agreement (GFA)

- 8.6 The HE Grant Funding Agreement (GFA) has been subject to lengthy discussions between the council and HE and was signed by both parties in December 2019. Approval to sign the GFA was approved by the Executive at its meeting on the 15th August 2019.
- 8.7 Despite signing the GFA, the council is unable to draw down the total commitment of funding (£2m) until a number of pre-draw down conditions are met. There are a number of these to be satisfied with varying levels of risk. The pre-draw down conditions were presented to Members in full, with risk level and mitigation at the Executive in February this year. A summary of project wide risks is attached in appendix 3).
- 8.8 The council are currently working with HE, County, land promoters and developers to discharge the pre-draw down conditions swiftly to enable the project to progress. However, there are a number of conditions that are complex and require further negotiation with HE to ensure the Council has a realistic prospect of being able to satisfy them. HE has agreed to assist the council by providing an additional grant to fund the acquisition of capacity support from a development consultancy to deliver the conditions when they are settled.

Capacity Support

- 8.9 To assist with the discharge of GFA pre draw down conditions HE has offered the council additional capacity support. This will be used to assist with legal agreements, land disposal and drafting suitable Developer Agreements. On the request of HE the council obtained a quote for the work of £31,936.34. This includes legal and land agent fees. Subject to final confirmation from HE, the capacity support will be instructed to commence shortly.

Advanced payment of HE grant

- 8.10 Whilst issues with the draw down conditions continue to be addressed by both parties, HE is keen to allow the project to progress swiftly. In particular, immediate grant funding is required to support golf course mitigation works and to allow the detailed design works to be implemented by DCC. To allow the project to proceed, HE has agreed to make an advance payment of £500,000 from the £2m grant offer. It should be noted that acceptance of this advance payment would be at risk. Risks are considered at paragraphs 8.18 – 8.21 of this report.
- 8.11 Acceptance of a grant advance combined with the additional capacity support will allow the project to progress in a timely manner, to meet the grant funding deadline of March 2022. An outline project programme is presented in Section 9 of this report, the timetable may be amended depending on the outcome of the negotiations with HE described at paragraph 8.8 above.

Planning permission

- 8.12 Planning permission for both the roundabout and link roads has now been approved. The approved layout is shown in appendix 4. In addition, the planning permission for the golf course mitigation works has also been approved.

Golf Club lease and mitigation works.

- 8.13 In order to assemble the land required to construct the roundabout and link roads the Buxton and High Peak Golf Club are required to surrender part of their course. The golf course is on land owned by the council and leased to the Golf Club. A previous report to Corporate Select obtained members approval to revise the lease with the Golf Club to enable them to surrender the required land. For the club to surrender the land and also retain a championship course mitigation works to both the 14th and 15th holes are required. Planning permission for the mitigation works is now approved.
- 8.14 External legal advice has been appointed to revise the lease and Heads of Terms with the Golf Club and these works are well advanced.
- 8.15 Subject to securing advanced funding from HE, it is intended to undertake the mitigation works to the golf course as soon as possible and at a time suitable and in discussion with the Golf Club.

Roundabout design and procurement

- 8.16 Derbyshire County Council have completed the advanced design and secured planning approval for the roundabout. The next stage of the process is for DCC to undertake the detailed design drawings for tender purposes. However, they cannot embark upon this next stage of works without advance funding from HE.
- 8.17 A previous report (June 2020) obtained member approval to manage the procurement of a suitable contractor to construct the roundabout. It has been agreed to procure a contractor using the Midlands Highway Alliance MSF3 route. The Midlands Highway Alliance (MHA) is a collaboration, currently between 25 Highway Authorities led by Leicestershire County Council and which is OJEU compliant. Using this approach should streamline and shorten the procurement process. This option has been approved by the council's procurement team and HE.

Risks and mitigation measures

- 8.18 The cost of construction of the roundabout may exceed the grant offer from HE resulting in a funding gap that cannot be bridged. To mitigate this risk, DCC has undertaken advance design work to provide an accurate cost estimate of the works. This is provided in Appendix 2 to this report.
- 8.19 The golf course mitigation works need to commence as soon as possible and in advance of the roundabout construction to limit the impact and disruption to the club. However, works need to avoid the playing season and will require sometime to bed in. The timing of the mitigation works are sensitive and will be planned in discussion with the Golf Club to agree the most suitable time. An advanced draw down of funds from HE will allow the mitigation works to commence in advance of the roundabout construction works.
- 8.20 An advance grant draw down is being offered by HE in order to keep the project programme on track. This grant advance is required to meet the costs of further detailed design work and the golf course mitigation works. There is a risk to the council of accepting the grant payment before all the pre draw down conditions have been met. To mitigate this risk, officers have sought reassurances from Homes England that if the council has spent grant money on the project in good faith with their agreement, it would not be subject to recovery by HE at some future point.
- 8.21 An overall project risk assessment is presented in appendix 3.

9. PROJECT TIMETABLE

- 9.1 The infrastructure works must be complete and grant claimed by March 2022. The current timetable below sets out a programme that completes the works by March 2022

| Milestone | Timetable | Progress |
|-----------------------|------------------|-----------------|
| Accept HE grant award | Dec 2019 | Complete |

| | | |
|--|-----------------------------------|-------------------|
| Submission of planning application | Jan 2020 | Complete |
| Planning decision – roundabout | July 2020 | Complete |
| Planning decision Golf Club | July 2020 | Complete |
| Advance Design | July 2020 | Complete |
| Project and costs review | October 2020 | Currently ongoing |
| Detailed drawings for tender | Oct 2020 – Feb 2021 | |
| Procurement process | Feb 2021 – May 2021 | |
| Start Golf Club mitigation works | ASAP in discussion with Golf Club | |
| Roundabout construction | June 2021 – Dec 2021 | |
| Project Completion Date (Includes a 3 month buffer for final claim and any slippage) | 31 March 2022 | |