

Report to the Cabinet

Meeting to be held on Thursday, 1 December 2022

Report of the Director of Highways and Transport

Part I

Electoral Divisions affected:
Burnley Central East; Burnley
North East

Corporate Priorities:
Delivering better services;

Town2Turf Public Realm Transformation

Contact for further information:

Gary Petherbridge, Tel: (01772) 534814, Highways Group Manager – Projects
gary.petherbridge@lancashire.gov.uk

Brief Summary

Burnley Borough Council (the Funder) has been successful in securing "Levelling Up Fund" monies for significant improvement works to the route between Burnley Town Centre and the Turf Moor Football stadium. Burnley Borough Council has confirmed it is willing to enter into an S278 Agreement for the delivery and payment of the works. Lancashire County Council Highways Operations will be the deliverer of the works to approved specification and the overall financial liability for the design and delivery of the works remains the responsibility of Burnley Borough Council.

This is deemed to be a Key Decision and the provisions of Standing Order C20 have been complied with. Compliance with Standing Order C19 was not possible due to only recently receiving confirmation of funding and knowing the need to commence works from 2 January 2023 to meet "Levelling Up Fund" funding conditions.

Recommendation

Cabinet is asked to:

- (i) Approve that the county council seeks to enter into a S278 Agreement under which it will accept staged payments totalling £5,755,866 from Burnley Borough Council along with any other additional financial provisions for the project that may be agreed.



- (ii) Approve that, payments received in connection with the agreement be added to the Externally Funded block of the 2022/23, 2023/24 and 2024/25 capital programme in advance of any application for payment from appointed contractors. It is estimated that the following expenditure will be incurred in each year as £1,553,595 (2022/23); £3,952,567 (2023/24); £249,704 (2024/25). The final wording of the S278 Agreement will be agreed under the present authorisations for S278 Agreements.

Detail

The Burnley Town2Turf scheme has been designed and will be funded wholly by Burnley Borough Council. There will be an agreement which will seek to manage the risks and manage the funding. The scheme has been brought forward as part of the continued improvement of the public realm and highway from Burnley town centre to Burnley Football Club's stadium at Turf Moor. These improvements will be achieved through the use of quality materials, widening of footways, removal of the roundabout at the junction of Yorkshire Street, Church Street and Centenary Way, decommissioning of the subway beneath Centenary Way and decluttering of the general street scene.

The detailed design for the scheme has been brought forward by Burnley Borough Council and partners with county council guidance and will be subject ultimately to county council approval and acceptance of the design. Burnley Borough Council currently has the scheme out for consultation, which will be completed prior to starting on site.

It is planned that construction works on site will commence in January 2023 with completion estimated to be July 2024 so long as agreement is reached under S278.

Consultations

As stated above the scheme is currently out for consultation.

Implications:

This item has the following implications, as indicated:

Risk management

The scheme is fully funded by Burnley Borough Council via funding secured from central government "Levelling Up Fund" in the sum of £5,755,866 with no liability attributable to the county council to meet any shortfall.

A S278 agreement, once agreed, will manage the financial position between Burnley Borough Council and the county council which will enable the payment of funds by Burnley Borough Council in a staged approach to align with the payment arrangements of the "Levelling Up Fund". The terms of the agreement will require Burnley Borough Council to pay all actual costs associated with the work, thus minimising the risk to the county council.



However, at present there is no signed agreement and the risk rests with Burnley Borough Council to comply with its funder deadlines; work will not commence until the agreements are in place.

Financial

The S278 agreement will cover all costs of the work but there may be some financial risk to the county council as the repayment profile may be later than the expenditure incurred though this will be short term and within financial years.

List of Background Papers

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A

