

Operational Decision Record

Publication Date 18/08/2023	Decision Reference Number 5008
Decision Title	
Approval to enter a grant funding agreement with Canal and River Trust to deliver improvements to Castle Lock	
Decision Value	
Up to £106,000	
Revenue or Capital Spend?	
Capital	
Department	
Growth and City Development	
Contact Officer (Name, job title, and contact details)	
Anne-Marie Barclay, Senior Project Manager – Major Projects, annemarie.barclay@nottinghamcity.gov.uk	
Decision Taken	
To provide approval to enter a grant funding agreement with the Canal and River Trust to deliver improvements to the Nottingham-Beeston Canal towpath in the vicinity of Castle Lock. The project will be delivered as part of the Transforming Cities Fund (TCF) Programme.	
Reasons for Decision and Background Information	
<p>DfT have recently undertaken an assurance review of the TCF Programme at a national level and have subsequently confirmed that the TCF programme had formally been extended through to March 2024. In light of changes to the programme, including deletion of undeliverable elements, DfT invited us to develop proposals for quick-win schemes to utilise any underspends on the basis they could be delivered in full in 2023/24. Rather than introduce new schemes into the programme we have reviewed existing schemes to determine where additional benefits can be achieved, details of which were presented to Capital Board on 12 July.</p> <p>Several improvements have already been delivered to the Beeston Canal, with the most recent works to the towpath having been completed in early June. The proposed changes include delivery of a further phase of works near Castle Lock, a heavily used section of towpath for both walkers and cyclists, which has been identified the Canal and River Trust (CRT). Some of the wash walls are starting to fall which has meant the water overflows onto the towpath making it dangerous for pedestrians and cyclists.</p>	

The project already has CRT's internal committee approval, so could easily be delivered in the TCF timescales. Given the land is owned by CRT it is proposed to provide them with a Grant Funding Agreement to deliver the project via their own framework contractors.

In undertaking these works it will help preserve and enhance the Canal, which forms part of Nottingham's strategic cycle network and is promoted as a leisure route for both walking and cycling under the banner of the Big Track. It is well used and popular asset for the City Centre with the potential to grow use through future developments to the south of the city including the Island Quarter, Inland Revenue and Broad Marsh.

Other Options Considered and why these were rejected

Do nothing: The need for these works has been previously identified, however until now there has not been an obvious funding route to resolve. The report to Capital Board in July noted £10.7m of funding reallocations within the TCF Programme.

If the canal proposals were not included in the TCF revisions, an alternative scheme would need to be identified. DfT have been clear that any substitute schemes need to be delivered in full by March 2024. As this scheme is ready to procure as soon as approvals are in place, and CRT are confident it can be delivered in the Autumn, the option to not include it in the TCF programme revisions was rejected.

Use internal NCC resources: With both the TCF and Levelling Up Fund (LUF) programmes due for completion by March 2024 there is already a significant amount of work in the Highways capital works programme. This option was rejected for a number of reasons including that the DLO does not have the specialist skills to undertake these works. Even if the skills were available, internal delivery would put further pressure on limited resources and would risk completion of this project by the programme end date, and add further unnecessary pressure to delivery of both the TFC and LUF programmes. NCC Highways are also not currently an approved contractor with CRT, so a further approval would be required from CRT before works could progress. This option was therefore rejected.

Procurement via Open Tender: This option was rejected as the timescales associated with an open tender would risk being able to meet the grant funding deadline. As CRT are the landowner all decisions will need to be approved by them, which risks further delay to project completion. In addition to this, we would also need an agreement in place that any liability during and after the works would be between the CRT and the contractor and not through the City Council adding further to the delivery timescales.

Reasons why this decision is classified as operational

The TCF programme was approved by the Executive Board in 2020 with changes to project allocations agreed at Capital Board in September 2022 and July 2023. As this is a secured grant already in the Capital Programme the reallocation of the grant between schemes doesn't require formal approval.

Additional Information

Legal

The terms and conditions of the original TCF programme that this relates to have already been reviewed from a legal perspective and are considered to be acceptable. The extension will continue to be monitored in accordance with governance board arrangements that are incorporated within these arrangement(s). Accordingly, the review of schemes for the project(s) raises no significant legal concerns from the City Council's perspective. Legal Services will continue to oversee and support the drafting of the additional Grant Funding Agreement as instructed.

Benita Meehan, Commercial and Contracts Solicitor, 28 July 2023

Decision Maker (Name and Job Title)

Sajeeda Rose, Corporate Director for Growth and City Development

Scheme of Delegation Reference Number

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Date Decision Taken

14/08/23