

Classification: Exempt	Decision Type: Key
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Report to:	Cabinet	Date: 10 July 2024
Subject:	Bury Market & Flexi Hall – Enabling Works & Main Works tendered cost / approval to progress Enabling Works & Main Works packages (Part A)	
Report of	Leader and Cabinet Member for Strategic Growth	

Summary

- 1.1 The purpose of this report is to advise Cabinet of the Enabling Works and Main Works packages, that in line with the Bury Market & Flexi Hall project programme, will now need to be instructed through the Enabling Works and Main Works Contract. The project documents and programme milestones that inform and outline these Enabling and Main Works packages, and the associated interim tender price report, are appended to Part B of this paper.
- 1.2 The contract encompasses an initial period of Enabling Works because these advanced, preparatory works are required to be undertaken in sufficient time to ensure the construction site is ready for development delivery (which is the Main Works package). The initial period of Enabling Works will commence during August 2024 and continue until May 2025, and in doing so will overlap with the start of the Main Works package that is due to commence on site during October 2024. This sequential programming of Enabling Works and Main Works packages maximises cost and time programme efficiencies, whilst allowing the Council and Vinci Construction UK Ltd to smoothly transition from the current Pre-Construction Service Agreement (PCSA) in line with the agreed project programme. The Enabling and Main Works packages are outlined in the project programme and the interim tender price report which are appended to Part B of this paper.
- 1.3 The works packages included within the proposed Enabling Works and Main Works Contract, have been market tested and independently verified, and the interim tender report is appended to Part B of this paper.
- 1.4 The Enabling Works and Main Works packages also align with the cashflow spending commitments outlined in the agreed Levelling Up Fund Memorandum of Understanding (MOU), and ensure the project is compliant with the stipulation that all grant monies awarded from the fund are fully defrayed by March 2026, which is the proposed, revised spend deadline.
- 1.5 Since confirmation of the Levelling Up funding award in October 2021, the project has been subject to a quarterly reporting cycle to the Department of Levelling Up, Housing & Communities (DLUHC). The scheme’s cashflow

forecast, delivery programme and risk management plan outlined in these returns have consistently reflected a Main Works construction programme which is phased to facilitate an initial series of advanced, preparatory works (the Enabling Works package).

Recommendation(s)

2.1 It is recommended that Cabinet:

- Approve the delivery of Enabling Works and Main Works packages to be undertaken by Vinci Construction UK Ltd.
- Accept the interim tender report recommendation that Vinci Construction UK Ltd undertake the Enabling Works and Main Works packages at the provisional contract sum set out in Part B of this report, and delegate final acceptance of a final contract sum up to a provisional maximum of £25,088,003.87 to the Director of Law and Democratic Services in consultation with the Executive Director of Place and Director of Finance and the Council Leader and Cabinet Member for Strategic Growth.
- Delegate finalisation and sealing of the Enabling Works and Main Works Contract including any clarifications to the Director of Law and Democratic Services in consultation with the Executive Director of Place and the Council Leader and Cabinet Member for Strategic Growth.

Reasons for recommendation(s)

3.1 Approval of the Enabling Works package is required for the Bury Market & Flexi Hall project to deliver various preparatory works on site. These works are required to be completed in advance, to ensure the Main Works construction phase can start on time in line with the agreed project programme, associated scheme cash flow and DLUHC Levelling Up grant spend deadline. Approval also extends to the Main Works package for the Bury Market & Flexi Hall project to progress to a construction phase without delay and to avoid jeopardising development delivery and grant funding expenditure obligations. Key considerations within this document have informed the Enabling Works and Main Works contract sum, the scope and methodology for carrying out the associated Enabling Works and Main Works packages and their phasing in line with the agreed project programme and grant funding agreement.

Alternative options considered and rejected

4.1 Delay instructing the Enabling Works and Main Works Contract:

Delaying the starting dates for the Enabling Works and Main Works packages would further delay both the full defrayment of the Levelling Up grant and the overall delivery of the Bury Market & Flexi Hall scheme. In turn this would

jeopardise the Council's obligations set out in the MoU as agreed with DLUHC and put at risk the Levelling Up grant monies.

- 4.2 Any further delay incurred would also erode confidence in the Council's ability to deliver a key strategic priority for Bury which is also critical to supporting the delivery of a number of major, corporate strategies and Team Bury initiatives including the Council's 'Let's Do It' Vision and Strategy, Bury Town Centre Regeneration Masterplan, Bury Town Centre Evening and Night Time Economy Strategy, Bury Economic Strategy, Bury Interchange redevelopment and the Millgate Strategic Regeneration Framework, amongst others.
- 4.3 Further delays to starting the Enabling Works and Main Works would also incur significant additional costs to the Council, including build cost inflation due to further scheme prolongation, and additional professional fees, including the Council's external professional team. Delays may also incur potential additional contractor preliminary costs that might feasibly be requested under the terms of the existing PCSA contract (the prelim rate currently stands at circa £8.1k per week).
- 4.4 On top of these costs, the Council would also incur additional, consequential costs in respect to extra rents and service charges that it will have to pay regarding the temporary accommodation that houses the Bury Market service (12 Princess Parade). The Council would also have to pay additional business rates charges in respect to those properties (Nos 2 – 10 Princess Parade) which it has already acquired in readiness for demolition and on whose cleared site the footprint of the new Flexi Hall will be constructed.
- 4.5 Furthermore, delays to instructing the Enabling Works and Main Works Contract could mean that subcontractor prices expire with the resulting risk that the overall tender price increases in line with market fluctuations at the time. In this regard, the tendered price is fixed until the anticipated date of a Cabinet approval decision (July 2024) but any delays beyond this date will risk the tender price increasing because Vinci's supply chain cannot fix prices for a longer period.

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5.0 Background

5.1 In October 2021 the Council was notified of its successful bid to the Levelling Up fund for a £20million contribution towards the Bury Market and Flexihall project. Project delivery is progressing at pace to meet the challenging Levelling Up grant funding expenditure deadline and project delivery programme.

5.2 In summary, the project will deliver:

5.3 Flexi Hall - the creation of a high quality, flexible, multi-functional events facility adjacent to Bury Market and located at a key gateway to the Town Centre. Capitalising on the unique opportunity provided by substantial levelling up investment and Council capital match funding, the Flexi Hall is designed to provide an unparalleled, new opportunity to enhance, compliment and expand Bury's cultural, leisure and hospitality offer, including its evening and night-time economy. The Flexi Hall also creates space that can offer accommodation for a wide variety of other activities supporting business, community, wellbeing and educational organisations, for example. The Flexi Hall will also provide modern, fit for purpose accommodation for the Bury Market Service, including facilities for market management and operatives, a new Bury Market visitor reception and secure cash facility for Bury Market traders. The Flexi Hall incorporates a range of energy efficiency and sustainable features that will help contribute towards the Council achieving its Climate Action Strategy 2038 carbon reduction targets, including for example, c170 sq/m solar photo-voltaic (PV) roof panels, roof mounted air source heat pumps, and the widespread use of sustainable construction materials such as structural timber which is characterised by its lower levels of embodied carbon. The Flexi Hall aims to be actively managed as part of a co-ordinated Town Centre offer, and in conjunction with this aim, the Council is currently in the process of identifying a commercial operator for the facility (which is subject to an on-going procurement that is aligned with, but separate to the Levelling Up project);

5.4 Bury Outdoor Market improvement works – the last major refurbishment was undertaken in 1999 and the outdoor market facilities are in desperate need of investment to help sustain this crucial community, cultural and retail asset. The project investment will help protect and improve the fabric and appearance of the award-winning Market, whilst at the same time future proofing and enhancing its commercial attractiveness. The project will install new oversailing roof canopies above the outdoor market areas to protect the stalls, traders and customers. In conjunction with this work, associated essential repairs and maintenance upgrades to the outdoor market will also be undertaken. The oversailing roof canopies have been designed to offer the future potential for installing circa 2,000 sq/m solar PV panels. It is estimated that this could save circa 74 tonnes of carbon each year which would help significantly to reduce the Council's overall CO2 emissions and thereby supporting the Council achieve its Climate Action Strategy 2038 targets. The provision of PV panels would also provide an opportunity to generate sustainable power for the Market estate and a corresponding "invest to save" opportunity to offset the forecast operational

energy usage of the Flexi Hall and reduce the building's running costs (the installation of solar panels forms part of an on-going procurement that is aligned with, but separate to the Levelling Up project);

5.5 Public Realm – a new, high quality public realm environment will be created that will improve the integration and connectivity of the Flexi Hall with the Market estate and adjacent infrastructure including Bury Interchange, Millgate Shopping Centre and other civic infrastructure, including Kay Gardens. The new public realm will help promote active travel opportunities (walking, wheeling, cycling etc), and provide a range of new business, community and leisure opportunities, such as for outdoor events, pop-up markets, plus other features to further encourage greater pedestrian / customer dwell time, social cohesion and inclusion. The new public realm will incorporate both hard and soft landscape elements, including Sustainable Urban Drainage (such as rain gardens) to mitigate the effects of heavy rainfall and surface water run-off, together with enhanced general shrub planting and tree planting to encourage greater biodiversity and natural habitat creation in an urban area which is currently deficient. Overall, the public realm enhancements (including the palette of high-quality materials that will be used in its construction) will greatly improve the visual and aesthetic attractiveness of this key Town Centre gateway and enhance vistas / visual linkages between adjoining sites which in turn will help attract greater visitor numbers and overall footfall.

5.6 The Bury Market & Flexi Hall project will support Bury's continued economic recovery from the Covid-19 pandemic and cost of living crisis and will represent the first phase of the longer-term regeneration of Bury Town Centre over the next decade (subsequent phases of regeneration including the delivery of the Millgate Strategic Regeneration Framework, Bury Interchange redevelopment etc). In this regard, the project will provide the firm foundations for Bury Town Centre to maintain its vibrancy and status as one of the strongest town centres in Greater Manchester for years to come. In this regard, the project will support the development of a fairer, greener and more competitive and resilient local economy by delivering a more successful Town Centre which benefits the people and diverse neighbourhoods of Bury, its visitors and businesses. Of note, the project is designed to act as a catalyst that aims to help generate increased footfall and consumer spending, whilst attracting future development, inward investment and encouraging businesses to prosper.

5.7 As such, the project is aligned to supporting the delivery of several major, corporate strategies and Team Bury partner initiatives including:

- Bury Council's 'Let's Do It' Vision and Strategy
- Bury Town Centre Regeneration Masterplan
- Bury Town Centre Evening and Night-Time Economy Strategy
- Bury Economic Strategy (2024 – 2034)
- Bury Town Centre regeneration masterplan strategy

- Millgate Strategic Regeneration Framework
- Bury Interchange redevelopment

5.8 During the construction delivery of the Enabling Works and Main Works packages, Vinci will also implement a programme of Social Value activities that will benefit local people and local supply chain, SME businesses. A Social Value Action Plan has been prepared by Vinci with close co-operation of the Council and Team Bury partner organisations, including Bury College. Amongst others, Social Value activities that will be delivered by Vinci via the Bury Market & Flexi Hall project Enabling Works and Main Works Contract will include providing training, apprenticeships and work placements, support the Council's Corporate Parenting strategy, alongside a raft of other employment, education and community activities.

5.9 Development Site

5.10 The Bury Market & Flexi Hall project development site which is the focus of the Levelling Up and Bury Council matching investment, is contained within the red line boundary shown on the Location Plan (Appendix 1). The site centres on the outdoor areas of Bury Market where the new, oversailing roof canopies will be constructed and associated remedial works carried out. Bury Market will remain operational throughout the planned construction period to minimise any impact on trading. Construction work will therefore only be carried out by Vinci during non-market trading days (thereby avoiding Wednesdays, Fridays and Saturdays) and during evenings and night-time working. Any construction related impacts will be mitigated in these areas.

5.11 The development site also incorporates several land and property assets that will need to be demolished and cleared as part of the initial Enabling Works package to create the construction footprint of the new Flexi Hall and its associated Public Realm. A vacant possession strategy has now been largely implemented to ensure that these land and property assets are owned by the Council and are no longer occupied to facilitate their demolition and the subsequent construction activity.

5.12 The land and property assets which have now been acquired are:

- Properties located at Nos. 2 – 10 Princess Parade
- No. 1 Murray Road (the former Bury Council Markets Team office which is now temporarily relocated into No. 12 Princess Parade until the team's new accommodation within the Flexi Hall has been constructed and is ready for occupation)
- Land at Back Georgiana Street (adopted highway land located between No. 47 Market Street and No. 2 Princess Parade)

- Land parcel located between No. 10 and No. 12 Princess Parade (unadopted highway land)
- Property located at No 51 Market Street

5.13 The final remaining property lease to be acquired is No 47 Market Street (Admiral Casino / Luxury Leisure Ltd). The Council already owns the freehold of this property, and the lease surrender has also now been completed. The Council's vacant possession strategy is also facilitating Admiral Casino's relocation into a nearby property in Princess Parade (which is outside the red line boundary of the project development site). The internal strip out of this vacant property has now been completed and its subsequent fit out by Admiral is now imminent as is the submission of a gambling licence by Admiral. Vacant Possession of No 47 Market Street is programmed to be secured by the Council by the end of September 2024, in line with the agreed Bury Market & Flexi Hall project delivery programme. However, until the fit-out works have been completed by Admiral, a gambling licence granted and the on-going commercial negotiations with Admiral have been concluded, whilst possession is anticipated by end September 2024, this cannot be fully guaranteed at this stage. See also Assessment and Mitigation of Risk section below.

5.14 The development site also encompasses a portion of land located within the Council's Market Car Park which will be the site of the contractor's temporary works compound during the construction period. This site compound will house the contractor's site cabins, welfare facilities, plant and materials storage area etc, and will be installed during the mobilisation period (August / September 2024) as part of the Enabling Works package of contractor activities. All remaining areas of the Market Car Park will remain fully operational throughout the construction period and advanced signage / communications will be put in place advising shoppers and other Town Centre visitors about a choice of alternative, nearby car parking locations which they may also wish to use.

5.15 Planning consent for all the Enabling Works and Main Works packages (including the contractor's site compound) was granted during August 2023.

5.16 Programme:

5.17 The Enabling Works and Main Works scheme delivery programme has also been informed by the following:

- **Funding Requirements** – in line with the Memorandum of Understanding agreed with DLUHC regarding Levelling Up Fund (LUF) expenditure, all grant monies awarded must be fully defrayed by March 2025. However, following the advice, guidance and support of DLUHC, a project change request was recently submitted by the Council seeking a revised, proposed grant expenditure deadline of March 2026. A decision from DLUHC is currently

pending. In line with the above, the project cashflow has been forecast against the agreed Enabling Works and Main Works construction programme. Contracting and subsequent instructions are required to adhere to the timescales and milestones stated within the programme.

- **Deliverability and logistics** – the sequencing of Enabling Works and Main Works packages and duration of the programme are informed by survey works, design development, supply chain management, and overarching health and safety requirements; underpinned by industry standards and appropriate methodologies for the delivery of the construction works.
 - **Value for money** – the phasing of the programme is intended to deliver the project as efficiently as possible; minimise the overall duration of the works and thereby reduce the cost of contractor preliminary costs, whilst also ensuring quality and health and safety are not compromised. An updated project Economic Cost and Benefits analysis (including updated Benefits Cost Ratio (BCR)) has also been prepared. This further demonstrates how the project continues to provide ‘strong / high’ value for public money (see Part B report).
- Minimising operational disruption** – the phasing of works has been carefully planned in such a way as to minimise disruption and mitigate the risk posed by the Enabling and Main work packages on the Bury Market operational service, Market traders and customers.

5.18 The Enabling Works and Main Works programme milestones are summarised in Part B of this report, which also contains the project Enabling and Main Works programme.

5.19 **Determining the Enabling Works and Main Works Contract Scope**

5.20 Following a procurement exercise via the North-West Construction Hub Framework in September 2021, the Council appointed Vinci Construction UK Ltd as the project’s construction partner. Under a two-stage design and build contract, Vinci firstly entered into a pre-Construction Service Agreement (PCSA) with the Council to develop the project proposals through the required design and cost development of RIBA Stages 2 – 4.

5.21 RIBA Stage 3 (planning designs and costs) concluded in August 2023 when planning consent was granted for the scheme by the Council.

5.22 RIBA 4 (technical designs and costings) were concluded in April 2024, following which Vinci commenced a market testing tender exercise with its supply chain. This exercise concluded in mid-June following which the tender price for the Enabling Works and Main Works packages has been subject to a detailed, independent commercial ‘due diligence’ exercise undertaken by the Council’s external cost consultants professional team (Gardiner & Theobald). This commercial ‘due diligence’ exercise is on-going as it continues to close out remaining tender queries. The interim tender report containing the provisional contract sum is appended to Part B of this paper. Pending Cabinet’s decision, final acceptance of a final contract sum up to a provisional

maximum of £25,088,003.87 will be delegated to the Director of Law and Democratic Services in consultation with the Executive Director of Place and Executive Director Finance and the Council Leader and Cabinet Member for Strategic Growth.

6.0 Links with the Corporate Priorities:

- 6.1 The Bury Market and Flexi Hall scheme supports the regeneration of Bury Town Centre and the delivery of each of the themes underpinning the Corporate 'Let's Do It!' strategy. These underpinning themes focus on building inclusive Local neighbourhoods, driving economic growth and Enterprise, shaping public services (Together) collaboratively with communities and businesses, and delivering improvements that are built on Bury's inherent Strengths. All these themes have a correlation about how Bury Town Centre is designed for the future so that it continues to remain vital and viable; a future where people travel less, buy locally, and work and access local services. To this end, the Council has had to think carefully about neighbourhoods and how they can be re-designed to work well. This includes Bury Town centre, its neighbouring communities as well as others across Bury, who depend on it to access services, for retail purposes, for work and business, and for a multitude of other usages including leisure and culture. The Bury Market & Flexi Hall levelling up and Council matching investment will play a major role in the delivery of these priorities and the resulting benefits that will be achieved.
- 6.2 The 'Let's Do It!' strategy acknowledges that we have an unprecedented opportunity to address some of our deepest challenges by seeking to build a fairer society that leaves no-one behind, tackling the climate emergency, as well as addressing inequalities of opportunity within the Borough. In this regard, the Council has embraced the national "Levelling Up" agenda with investment propositions, including the Bury Market and Flexi Hall scheme. This strategic investment in Bury Town Centre is fully aligned with the Council's 'Let's Do It!' strategy, Bury Town Centre regeneration masterplan, and other Team Bury strategic initiatives, whilst a detailed economic value / benefits cost analysis, and strategic case was included as part of the approved Levelling Up Funding bid.
- 6.3 The Flexi Hall and Bury Market levelling up investment will aim to ensure that Bury Town Centre maintains its status as one of the most economically viable in Greater Manchester as it continues to recover from the local impact of the Covid-19 pandemic and cost of living crisis. In doing so, scheme delivery will help to create the conditions that will generate significantly higher levels of visitor footfall and customer spend into the Market area and across the wider Town Centre. At the same time, this investment will future proof and protect Bury Market commercially and crucially, as a key civic and community asset. The scheme investment will enhance greater opportunities for social cohesion and inclusion, such as through the wide range of community, cultural and leisure activities that will be offered by the development. Furthermore, the contractor will

implement apprenticeships, skills enhancement and placement opportunities with local education providers. Wherever possible, Vinci will also seek to utilise a local supply chain for labour and materials. Vinci has established a charitable trust, which supports local community groups and charitable organisations to deliver programmes and projects being undertaken at a local level. A Social Value Action Plan has therefore been developed for the scheme by Vinci in collaboration with many other Council services and Bury's educational organisations, to ensure that every opportunity to deliver benefits for our diverse local communities are identified and brought forward. The contractor is fully appraised of the strategic drivers for the scheme and understands how this major capital investment will act as an enabler to realising key objectives and benefits underpinned by the Corporate 'Let's Do It!' strategy, Bury Town Centre masterplan and other major Team Bury initiatives that are in the development pipeline, including the Millgate Strategic Regeneration Framework, Bury Interchange redevelopment.

7.0 Equality Impact and Considerations:

7.1 The scheme has undertaken an Equality Impact Analysis (EIA) which is reviewed regularly as the scheme has been developed. This analysis considers the effect of scheme activity on different groups protected from discrimination under the Equality Act 2010. It aims to manage any associated risk on those affected by the change.

7.2 The following provides a brief outline of the outcomes of the EIA in respect to delivering the *general public sector duties* under the Act:

- Duty: To eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by Equality Act 2010. Outcome: The Bury Market Flexi Hall scheme will be an inclusive space that will be open and accessible to all.
- Duty: To advance equality of opportunity between people who share a protected characteristic and those who do not. Outcome: The scheme will support the inclusion of those who share any of Bury Council's recognized protected characteristics. As a Levelling Up scheme, it will support those who are socio-economically disadvantaged and promote opportunity celebrating Bury's cultural diversity. It also aims to respond to the needs of older members of the community and those with health conditions and disabilities.
- Duty: To foster good relations between people who share a protected characteristic and those who do not. Outcome: The design philosophy that underpins the Flexi Hall scheme aims to provide inclusive spaces for the benefit of all, including those groups / individuals who possess protected characteristics. We aim to make this implicit, rather than explicit, in the layout and design of spaces. These spaces (whether they are internal or external) should be natural to use and not draw unnecessary attention or single out users possessing any protected characteristics.

7.3 The scheme EIA has assessed the impact of the scheme in respect to each of the different groups protected by the Act. The outcomes are summarised below against each *protected characteristic*.

- Age: The Market is currently well-used by elderly residents and older people living alone. The scheme aims to ensure the viability and vitality of the Market is maintained so that it can continue to serve its users. The proposed public realm enhancements and the internal spaces within the Flexi Hall will make it more accessible and convenient to older people, whilst encouraging increased dwell time and enhancing opportunities for community cohesion. This will be further embedded through the delivery of event programmes within the Flexi Hall, including those aimed at elderly residents and older people living alone. We also aim to provide more services / programmes within the Flexi Hall for young people, who do not currently use the Market as often.
- Disability: The public realm will be improved making the Market and its surroundings more accessible, safer, convenient and legible for all users, including disabled users. The design and layout of the Flexi Hall internal spaces and facilities (including 1st floor lift access, Changing Places and DDA compliant WCs) have also been designed with disabled groups / individuals in mind. Wayfinding and signage will be improved with a view to accommodating disability needs (including individuals who have dyslexia, visual impairment). Health and community programming in the Flexi Hall would also aim to be tailored to support opportunity for disabled people as well as other groups.
- Gender: The Market is particularly well-used by women. The scheme aims to ensure the viability and vitality of the Market is maintained and future proofed so that it can continue to serve its existing users whilst providing new opportunities encouraging other groups and individuals who may not currently use the Market.
- Pregnancy or Maternity: The Flexi Hall provides the opportunity for health and community programmes that may support those who are pregnant or are postpartum. Consideration will also be made to further establish how the scheme can best support those who are breastfeeding or need baby change facilities (the designs currently provide baby changing facilities).
- Race: The scheme does not discriminate and has been developed to be open and inclusive to all, including supporting the continued use of the Market by BAME users. The Council will also continue to investigate the potential for promoting the Flexi Hall venue for Asian and other weddings (amongst others).
- Religion and Belief: The Flexi Hall is designed to be flexible and adaptable for its users and open and inclusive to all. For example, the operational planning of the building could help provide opportunity for quiet contemplation and prayer space.
- Sexual Orientation: The Flexi Hall is designed to be flexible and adaptable for its users and open and inclusive to all.

- Marriage or Civil Partnerships: The Flexi Hall is designed to be flexible and adaptable for its users and open and inclusive to all. The Council will also continue to investigate the potential for promoting the Flexi Hall venue for weddings including civil partnership ceremonies.
- Gender Reassignment: Health and community programming in the Flexi Hall has the potential to provide activities targeted to particular groups, including those who are impacted by the personal process of gender reassignment. The design of spaces within the Flexi Hall (including the provision of self-contained WC's) also reflects an ongoing consideration of gender recognition.
- Carers: The health and community programming in the Flexi Hall has the potential to provide programmes targeted to particular groups, including Carers.
- Looked After Children and Care Leavers: The scheme's Social Value Action Plan will include initiatives that will support the Council deliver its Corporate Parenting strategy. Furthermore, health and community programming in the Flexi Hall has the potential to provide activities targeted to particular groups, including looked after children and care leavers.
- Armed Forces personnel including veterans: Health and community programming in the Flexi Hall has the potential to provide programmes targeted to particular groups, including members of the armed forces reflecting amongst other aspects, Bury's strong historical links to the armed services.
- Socio-economically vulnerable: Bury is ranked in the top 10% most deprived parts of the country. Bury Market is a significant provider of employment and is particularly well-used by people from lower social grades and living in deprived neighbourhoods, including elderly people and those living alone. The scheme will help ensure the Market asset is maintained and continues to be commercially sustainable over the long term so that it can continue to serve its traders and users, as well as providing a location for bringing people together and fostering stronger social cohesion. The Flexi Hall will also create new commercial and events floorspace, generating additional FTE jobs that will benefit the local workforce, local businesses and its local supply chains.

8.0 Environmental Impact and Considerations:

8.1 The Bury Market Flexi Hall is designed so it has the potential to be carbon neutral in operation and is to a BREEAM Excellent standard. The Flexi Hall will incorporate photo voltaic (PV) solar panels sited on its roof which will help to generate sustainable, clean electrical power for the building and achieve building regulation compliance. The Flexi Hall design also incorporates roof mounted Air Source Heat Pumps which are a renewable energy source generating hot water and heat for the building. The timber cladding system to the Flexi Hall's external elevations and colonnade, is a visually attractive, renewable construction material which is also characterised by containing lower levels of embodied energy.

8.2 The new roof canopies that will be constructed over the outdoor market areas have been designed to be capable of accommodating the future installation / retro fitting of circa 2000 sq/ photo voltaic (PV) solar panels. In support of this, outline proposals have been discussed with potential PV suppliers and opportunities explored, including via the Greater Manchester Combined Authority's 'Go Neutral' procurement framework. Whilst the potential future provision of PVs on the market canopies is outside the scope of the levelling up scheme, this future opportunity is being actively investigated at the present time with a view to commencing procurement in winter 2024. The Bury Market & Flexi Hall scheme operational energy assessment indicates that the future provision of 2,000 solar PVs on the new roof canopies above the outdoor market could provide sustainable electrical energy that has the potential to fully off-set Flexi Hall's forecast energy usage. This would also significantly help to reduce day to day operational energy running costs.

8.3 The creation of a substantially improved public realm surrounding the Flexi Hall will interconnect with Bury Market, Millgate Shopping Centre, Bury Interchange and Kay Gardens, and provide greater opportunities for encouraging active travel. This includes improved connectivity and facilities for pedestrians and cyclists. This new, high quality design public realm will also incorporate a blend of hard and soft landscape features, including Sustainable Urban Drainage in the form of sub-surface water attenuation and a system of interconnected rain gardens that will help mitigate the adverse effects of high levels of heavy rainfall and localised flooding. These rain gardens together with newly created areas of general shrub and tree planting, will also greatly enhance opportunities for nature biodiversity and habitat creation. The construction of the public realm will also incorporate the recovery and re-usage of existing materials where-ever possible, such as existing concrete paving.

Assessment and Mitigation of Risk:

Risk issues	Management Strategy/ Mitigation
Strategic - Business and External risks	
Reputational – confidence in the ability of BC to deliver objectives undermined	Appointing an expert and experienced delivery team Effective project management structures Appropriate contingency provision in programming and budget
Catastrophe risk – inherently unpredictable events – Covid, Brexit	Appropriate standard and negotiated clauses in the contract document (NEC 3 short form) to be used for Enabling Works and Main Works Contract (mirroring Radcliffe Hub NEC contract/s)
Regulatory risk – changes in laws and regulations New Levelling Up & Regeneration planning bill - new design standards New building regulations	Vacant possession strategy nearing completion Risk apportionment Ongoing proactive approach to risk management
Delivery Risks	

<p>Land Assembly Issue - No 47 Market Street (Admiral Casino) – vacant possession remains a high but reduced risk to project delivery due to mitigations in place (inc. revised, end September 2024 delivery programme VP date)</p>	<p>On-going commercial dialogue with Admiral Board Lease surrender completed Strip out of Admiral Casino relocation property (3-5 Princess Parade) completed and fit out start imminent Submission of gambling licence application pending (28-day determination period) Strategic level escalation inc. DLUHC Programme delivery re-phased, revised end September 2024 VP date</p>
<p>Site conditions – risk that adverse / unforeseen site conditions result in cost increases</p>	<p>Site investigations (inc. Outdoor market trial holes) Regular, proactive communication with utilities Appropriate cost planning and contractor engagement Form of contract / warranties etc</p>
<p>Build risk – risk associated with contractor management / underperformance / site characteristics</p>	<p>Effective contract management following the Government Construction Strategy involving: Form of contract – NEC 3 (replicating Radcliffe Hub scheme contract mechanisms) Soft-landing provisions - Operational led design Contract retentions</p>
<p>Supplier risk – availability of expert contractors for site clearance and specialist activities; risk of contractor failure</p>	<p>Procurement strategy Due diligence – transfer risk to main contractor Contracting – risk transfer Local labour vs established operators</p>
<p>Programme risk – LUF bid requirements</p>	
<p>Permissions – risk that delays in securing planning, building regs and highways approvals impacts on programme</p>	<p>Early design engagement with Highways Planning consent granted Pre-commencement conditions being addressed Managing statutory consultees</p>
<p>Procurement – the risk that strategy results in delays / impacts on objectives</p>	<p>Procurement strategy – smooth transition from PCSA (pre-construction) to Enabling Works and Main Works Form of contract – NEC programme is part of contract pack D&B approach Use of frameworks Early engagement with contractor</p>
<p>Financial risk</p>	
<p>Project costs – risk that capital costs increase above projections</p>	<p>Carry out investigations and site surveys Procure expert advice via consultant team. Tender Price due diligence Contingency and Optimism Bias allowance, including appropriate sums for Inflation, Risk, Asbestos Risk allocation to contractor (as stipulated in the contract) Monitoring of RS 3 and RS 4 designs via Technical Advisors Site Supervisor appointed and maintaining contractor relationship Value engineering throughout RIBA Stages</p>

	Project budget oversight and management via internal and external governance structures
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Legal Implications:

1. The Council must continue to comply with the terms of the DLUHC Levelling Up Grant and abide by the tight timescales noted earlier in this Report to maintain its eligibility for the funding.
2. The procurement route undertaken in this instance is a lawfully compliant route under the North-West Construction Hub Framework, a regional framework which allows access to a range of contractors which have already undergone a competitive process in respect of both price and quality.
3. It is acknowledged that this Report recommends delegation of the finalisation and sealing of the Enabling Works and Main Works Contract including any clarifications. The form of contracts used will be determined by the terms of the Framework.

Financial Implications:

The detailed financial implications are outlined in part B of this report with work being undertaken to enable the cost of the scheme to be delivered within the budget approved within the capital programme.

Appendices:

Appendix 1 - Location Plan

Background papers:

Enabling Works and Main Works provisional tender report and Enabling Works and Main Works project documents are included in Part B of this Cabinet Report.

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
PCSA	Pre-Construction Service Agreement signed between Bury Council and Vinci Construction Ltd

DLUHC	The Department of Levelling Up, Homes and Communities
MOU	Memorandum of Understanding grant agreement signed between Bury Council and DLUHC
LUF	Levelling Up Fund
RIBA	Royal Institute of British Architects (stages of work) including Stage 2 (concept design), Stage 3 (planning design), Stage 4 (technical design), Stage 5 (construction delivery)
DDA	Disability Discrimination Act (replaced by the Equality Act 2010)
NEC 3	New Engineering Contract suite – version 3
BREEAM	Building Research Establishment Environmental Assessment Method is a nationally recognised sustainability assessment method that is used to masterplan projects, infrastructure and buildings