

OFFICER DELEGATION SCHEME RECORD OF DECISION

Date: 1 st May 2025	Ref No: PLACE BGI132
Responsible Officer: Richard Spensley (Major Projects Manager, Business, Growth and Infrastructure)	
Title/Subject matter: Northern Gateway Western Access scheme - Appointment of Construction Contractor (Balfour Beatty Civil Engineering Ltd) to undertake Pre-construction Stage Design & Build activities (ECSC contract).	
Budget/Strategy/Policy/Compliance:	
(i) Is the decision within an Approved Budget?	Yes
(ii) Is the decision in conflict with the Council's policies, strategies or relevant service plans?	No
(iii) Does the decision amend existing or raise new policy issues?	No
Is publication still required? (see guidance)	Yes

Item for decision:

The Western Access scheme (Pilsworth Road Corridor Improvements) will provide the necessary off-site, highway and transportation infrastructure required to access the early development phases of the Northern Gateway Investment Zone (IZ) site (JPA 1.1 allocation). The construction of the Western Access scheme will create the potential capacity to unlock circa 3.5M sq/ft – 4M sq/ft employment generating uses, including advanced manufacturing commercial floor space.

In line with the strict timeframes and requirements of the Western Access scheme Investment Zone Year 1 Grant Funding Agreement approved by Cabinet in November 2024, a subsequent report to Cabinet in February 2025 approved the delegation of the acceptance of a final contract sum covering Design & Build Pre-Construction stage activities 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. In conjunction with this at that same meeting, Cabinet also approved the delegation, finalisation and sealing of the Design & Build Pre-Construction services contract.

The IZ year one grant (£800,000) has now been released to Bury Council by Greater Manchester Combined Authority (GMCA) and as Cabinet acknowledged in February 2025, there is now an urgent need to swiftly and flexibly progress the development of the Western Access scheme to meet the challenging grant funding milestone deadlines. These include Pre-construction related activities covering the production and approval of the Western Access scheme's Outline Business Case and associated scheme optioneering, modelling and design work.

Balfour Beatty Civil Engineering Ltd were procured via the SCAPE Framework in November 2024 in line with a two stage Design & Build (D&B) contract approach, and in full compliance with the Council's Corporate Procurement and Contract Procedure Rules, and the Public Contracts Regulations 2015, and in alignment with the approved Western Access Procurement Strategy.

The two stage D&B contract arrangement secures the main Contractor for the full duration of the Western Access project lifecycle. The first stage of the D&B contract arrangement encompasses the Western Access scheme's pre-construction stage (ie. OBC / RIBA 3 planning phase, followed by the FBC / RIBA 4 technical design phase).

To progress this work, and to adhere to the strict Year 1 Investment Zone Grant Funding Requirements / milestones, an initial Pre-construction contract will now be entered into utilising an industry standard NEC 4 Engineering and Construction Short Contract (ECSC) form of agreement. Amongst other protective clauses and to help minimise commercial risk, this pre-construction stage contract includes a break clause that would allow the Council to terminate the contract without incurring any contract penalties if, in the unlikely event, scheme circumstances were to change, or if for example, the contractor and / or its multi-disciplinary team, were to fail satisfying key performance indicators as specified in the contract particulars.

The NEC 4 ECSC contract value is £211,002.69 and is within the £600k delegated approval threshold figure agreed by Cabinet in February 2025. The ECSC contract start date is 6th May 2025 and the contract completion date is 29th August 2025.

Funding for this work will come from a £10M Investment Zone grant funding allocation which is administered by the Greater Manchester Combined Authority (GMCA). This grant funding will specifically support Western Access scheme delivery over a 5-year funding period between 2024/5 and 2028/9. An associated Grant Funding Agreement (GFA) was agreed by Bury's Cabinet in November 2024 and has been signed between the GMCA and Bury Council (as the accountable body). This GFA will cover the first-year tranche of £800k grant allocation for 2024/25. The ECSC contract costs, will be covered by this grant funding amount and will be charged to the existing budget code for the Northern Gateway Western Access scheme.

The ECSC contract will be administered utilising the tried and tested/ industry standard NEC 4 contract mechanisms as set out in the ECSC contract particulars. Amongst others, these would allow for any changes to the contract scope, programme etc, were scheme circumstances to change or evolve in future.

Balfour Beatty's (Contractor) scope of works covered by the ECSC is summarised below:

Item 1 – Scope Development

The *Contractor* shall develop a Scope for SCAPE Stage 2a of the Northern Gateway Western Access scheme, as follows:

1. Undertake a design procurement exercise to identify a preferred Design Partner to progress the activities identified within Item 2
2. The *Contractor* shall submit a recommendation to the *Client* with confirmation of the preferred Design Partner
3. The *Client* shall instruct the *Contractor* to appoint the preferred Design Partner to progress the activities identified within Item 2.

Item 2 – Design Partner Procurement

Issue enquiries and undertake a competition for a Design Partner to provide a price and programme for the activities below:

1. Designer to review existing information and carry out gap analysis on information requirements to complete SCAPE Stage 2a.
2. Optioneering and development of traffic modelling in consultation with *Client* and key stakeholders following appointment of the Designer by the *Contractor*. Appraisal Specification Report for the modelling to be developed in SCAPE Stage 2a with the *Client*. Optioneering and development of traffic modelling - to be confirmed with the design partner.

3. Optioneering and development to prepare a concept highway design during SCAPE Stage 2a.
4. Development of the Outline Business Case in consultation with the *Client* during SCAPE Stage 2a providing a written technical note on the analysis undertaken.
5. Pre-application planning consultation - to be confirmed with the design partner following appointment.
6. Identification of survey requirements and production of scoping information to define the survey work. To be confirmed with the design partner following appointment.
7. Undertake non-intrusive surveys and walkovers, extent of these works to be agreed with the design partner and *Client* following designer appointment for SCAPE Stage 2a.
8. Review of proposed scope and issue enquiries for the supply chain for intrusive survey works (if required).
9. Develop detailed scope of services for SCAPE Stage 2b & 3 design works to inform scope for NEC4 ECC X22 contract.

Item 3 – Stage 2b and 3 Scope Development

The *Contractor* shall incorporate the outputs from the Design Partner into a Scope to deliver SCAPE Stages 2b & 3 under a separate NEC4 Engineering and Construction Contract with Secondary Option X22.

The *Contractor* shall work with the *Client* and its advisors to identify the requirement for any further Scope inclusions.

Item 4 – Stage 2b and 3 Contract Terms and Conditions (optional and at Client's sole discretion)

The *Contractor* shall work with the *Client* to define the terms and conditions for the NEC4 Engineering and Construction Contract with Secondary Option X22. Produce draft contract for SCAPE Stages 2b and 3.

Item 5 – Project Management

The *Contractor* shall project Manage SCAPE Stage 2a including progress meetings, monthly reporting in line with contract obligations.

Item 6 – Survey Requirements

Review extent of surveys requirements and agree strategy for placing orders for the works - Designer or *Contractor* to procure).

Item 7 – Budget Update

Revise Budget based on the chosen concept design following optioneering works - subject to Design Partner programme.

In line with the above, the ECSC scope includes the development of the detailed terms and conditions that will define the main pre-construction / construction contract for the Western Access scheme. This will utilise an industry standard NEC4 Engineering and Construction (ECC) X22) form of contract. Once the ECSC scope of work has been completed, it is anticipated that a further Op Dec will then be prepared during summer / autumn 2025 in respect to the main contract.

Options considered:

Option 1 (recommended option) – Approve the ECSC contract with Balfour Beatty Civil Engineering Ltd, as outlined above, which reflects their resource allocation and competitively tendered rates as set out in the SCAPE Framework and as aligned with the scheme's pre-construction programme timeframes. Balfour Beatty has been procured utilising the SCAPE Civil Single Supplier Framework and in full compliance with the Council's Corporate Procurement and Contract Procedure Rules, and the Public Contracts Regulations 2015, and in alignment with the approved Northern Gateway Western Access Procurement Strategy. The costs of the ECSC contract are accounted for within the Year 1 Investment Zone Western Access scheme grant funding allocation. As also noted in the report approved by Cabinet on 12th February 2025, entering into a Pre-Construction services contract is critical to ensuring the delivery of the Western Access outline business case and associated RIBA 3 plans in line with stringent Grant Funding Agreement timeframes and requirements.



Option 2 – Delaying the authorisation of the ECSC contract will delay the preparation of the Western Access scheme Outline Business Case (OBC) and associated optioneering, transport modelling and design development. Consequently, this will delay the delivery of the subsequent Full Business Case (FBC) / RIBA 4 technical design stage during 2026 and thereafter delay the start of the construction delivery (RIBA 5 stage) of the Western Access scheme which under the grant funding requirements should commence by April 2027 and be completed by March 2029.

Delaying the Western Access scheme OBC, FBC and construction delivery stages will jeopardise the delivery of the early phases of the Northern Gateway site development. The delivery of the Western Access scheme is critical to providing the necessary highway capacity and associated transportation improvements required to unlock the Phase 1 IZ site (JPA 1.1 allocation).

Delaying the delivery of the Western Access scheme would erode confidence in the Council's ability to deliver a key strategic priority for both Bury and its strategic partners, including Rochdale Borough Council, Greater Manchester Combined Authority, Transport for Greater Manchester and National Highways. Delaying the delivery of the Western Access scheme would undermine supporting the delivery of major, corporate strategies and Team Bury initiatives including the Council's 'Let's Do It' Vision and Strategy, Northern Gateway Strategic Development Vision, Atom Valley MDZ Vision, Northern Gateway Development Framework (supplementary planning document), Bury's Economic Strategy, amongst others.

Decision

For the reasons set out in this report, it is recommended that the NEC 4 Engineering and Construction Short Contract (ECSC) with Balfour Beatty Civil Engineering Ltd for the provision of Pre-construction services covering the OBC / RIBA 3 planning stage, is now authorised and formalised via this Operational Decision, and that the ECSC is now entered into.

Decision made by:	Signature:	Date:
Authorised Officer: Executive Director		02/05/2025
Approved / reviewed Director		01/05/2025
Member Consulted (only if applicable) [see note 4 below]		

Notes

1. In most cases a single signature is required in accordance with the Table below.
2. The form must be published if expenditure is over £100K. However, this must be after all the required contract documentation has been completed. This is to avoid publishing exempt confidential information.
3. A report to Cabinet must be made if expenditure is over £500K.
4. In a small number of cases in accordance with the requirements of the Officer Delegation Scheme, consultation is required from the appropriate Cabinet Member who must sign the form to confirm that they have been consulted and that they agree with the proposed action. Please refer to the Guidance.
5. This form must not be used for urgent decisions.
6. Where there is any doubt officers should always err on side of caution and seek advice from Democratic Services, the Monitoring Officer or Corporate Procurement where applicable.

EXPENDITURE APPROVAL TABLE

Approval Limit	Approval By	
Over £500,000	Cabinet.	
Over£250,000 to £500,000	Chief Executive	
Over£100,000 to £250,000	Executive Director	
Over £50,000 to £100,000	Director/Assistant Director	
Over £10,000 to £50,000	Head of Service	
Up to £10,000	Service Lead	