

Minutes of the Marches LEP Ltd Board Meeting
3 August 2023 at Ludlow Assembly Rooms
(Company Number: 11822614)

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Present:				
Sonia Roberts MBE	SR	Chair, Marches LEP		
Will Westley	WW	Deputy Chair, Marches LEP & Telford Business Board Chair		
Frank Myers MBE	FM	Herefordshire Business Board Chair		
Cllr Lezley Picton	LP	Leader, Shropshire Council (part of meeting)		
Graham Guest	GG	Skills Champion; Chief Executive and Principal of Telford College		
Clare Fenton	CF	Director, Fenton Partners & Veritherm		
Alex Green	AG	Director, Radfield Homecare		
Sara Williams	SW	Marketing Manager - Northern Europe, Protolabs (online)		
In Attendance:				
Govin Aujla	GA	Area Lead, Cities & Local Growth Unit (online)		
Tim Yair	TY	Midlands Net Zero Hub Principal Net Zero Project Officer (part of meeting)		
Ross Cook	RC	Director for Economy and Environment, Herefordshire Council		
James Walton	JW	Section 151 Officer, Shropshire Council		
Mark Barrow	MB	Executive Director for Place, Shropshire Council (part of meeting)		
Kathy Mulholland	KM	Inward Investment & Business Support Service Delivery Manager, Telford & Wrekin Council (online)		
Rachel Laver	RL	Chief Executive, Marches LEP (part of meeting)		
Kathryn Jones	KJ	Head of Partnerships & Strategy, Marches LEP (part of meeting)		
Mark Schneider	MS	Head of Business Development & Delivery, Marches LEP (part of meeting)		
Ennis Vingoe	EV	Executive Assistant, Marches LEP (part of meeting)		
Jo Grivell	JG	Office Administrator, Marches LEP (part of meeting)		

# Part A - Public Session

ITEM		ACTION
1.	Welcome 1. Welcome, Apologies and Declarations of Interest SR thanked everyone for attending the meeting. Apologies were received from Dave Courteen, Paul Kalinauckas, Gordon Coppock, Cllr Lee Carter, Simone Clarke and Cllr Jonathan Lester.	
	SR also welcomed 2 observers to the meeting who joined via remote link.	
	SR noted that the meeting was being recorded to aid the production of the minutes.	
	The Chair explained that due to 2 public sector directors being unable to attend at short notice the meeting was now not quorate (2 out of the 3 public sector directors are required to be in attendance). Therefore, any decisions that were required would be undertaken by correspondence, after the meeting. Members were happy to continue with the meeting on that basis.	
	The Chair also reminded members of their responsibilities as directors of the Marches LEP Ltd.	



	Herefordshire - Shropshire - Telford & Wrekin	1
	2. Declarations of Interest The Chair asked for any conflicts of interest and reminded members to complete the form that had been distributed for any specific Declarations of Interest for every	
	meeting.  The following declarations of interest were made:  Cllr Lezley Picton - Item 8 Oxon Link Road presentation – decision directly affects a project within Shropshire Council.	
2.	Governance 1. Appointment of Director – vote by correspondence The Board noted that the recent resolution by correspondence to confirm the appointment of Dr Simone Clarke was approved on 5 June 2023.	
	2. Appointment of Public Sector Director, Herefordshire Council – Cllr Jonathan Lester	
	SR congratulated Cllr Lester on his recent appointment as the Leader of Herefordshire Council. Cllr Lester had consented to his appointment as a director of Marches LEP Ltd.	
	Those members present confirmed the appointment of Cllr Lester as a public sector director of Marches LEP Ltd. This would be followed-up for confirmation by those not present, via correspondence.	EV
	3. Appointment of Alternate Director, Herefordshire Council – Cllr Graham Biggs	
	In accordance with the Articles of Association section 23.1, Cllr Jonathan Lester had appointed Cllr Graham Biggs, Cabinet Member Economy and Growth as the Marches LEP Ltd alternate director for Herefordshire Council. The relevant documentation, in accordance with section 23.2 had been signed by Cllr Lester and	
	Cllr Biggs.  Those members present confirmed the appointment of Cllr Biggs as an alternate director of Marches LEP Ltd. This would be followed-up for confirmation by those not present, via correspondence.	EV
	The relevant documentation would be submitted to Companies House following the outcome of the outstanding votes which would be sought via correspondence.	EV
	4. Re-election of Sara Williams as a Board Member Sara Williams has served as a member of the Marches LEP Board for 2 terms (4 years) and is due for re-election for a further 2 years. Sara has confirmed that she wishes to continue as a Board Member.	
	Those members present confirmed the re-election of Sara Williams for a further 2 years. This would be followed-up for confirmation by those not present, via correspondence.	EV
3.	Minutes of The Marches LEP Ltd Board meeting on 21 March 2023  The Minutes of the meeting held on 21 March 2023 were approved by those members present at the meeting and would be signed by the Chair as a true and accurate record of the meeting.	
	Matters arising Any actions from the previous minutes were either completed or would be discussed under agenda items at this meeting.	



### 4. LEP Chair and CEO Report

SR explained that frustratingly, the notification from Government regarding LEP futures expected by 20 July 2023 had still not been received. SR had received notification last night that the letter would be sent out tomorrow and that a meeting would be convened tomorrow morning for LEP Chairs with Ministers Davison and Hollinrake.

SR drew members' attention to the table on page 13 of the Board pack, showing the considerable value for money that the LEP has brought to the Marches this year, despite not managing major capital programmes anymore. Part B of this meeting would be a discussion regarding the LEP's future.

SR acknowledged the LEP Team for their continuing professionalism, tenacity and commitment to their duties during this uncertain time. The support provided to the Team by Board members has also been much appreciated. This was endorsed by FM.

SR highlighted the 3-day visit by Department for Transport officials to the Marches, hosted by the LEP and LAs to highlight the infrastructure challenges across the region. This had resulted in a further £40k of funding from Midlands Connect towards the business case development of rail projects.

SR asked members to note that the launch event for the findings of the Land Use Study would be held on 28 September 2023 at the Agri-Epi Centre at Harper Adams University, which the Marches LEP is arranging in partnership with the Forestry Commission.

Free places for the event can be booked via the link:

Eventbrite - Marches Land Use Study Launch Event - 28 Sep 23

The Board noted the content of the report.

#### 5. Confirmation of Funding Proposals by Correspondence

The Board noted that the recent resolution by correspondence regarding the use of the returned Local Growth Funds (LGF) and the proposed use of the Marches Investment Fund (MIF), which was approved on 23 June 2023.

The proposals were to:

- award Worcester Council the additional £114k for investment to business under the Marches Energy Grant programme, on the condition that the existing fund is 25% contracted by the end of September 23.
- set the Shell Store repayments aside for now and use towards the core costs of operating the LEP.
- to make £100K available for innovative land-based projects across the Marches.
- to put £100k into a transport business case development fund to support the development of strategic transport schemes.

# 6. Minutes of the Performance Risk & Monitoring Committee meeting held on 22 June 2023

SR drew members' attention to the major corporate risk which is the lack of clarity from government on LEP futures. SR added that an additional risk is the lack of employment contract for key LEP staff despite Board approval having been given.



Programme risks – the ongoing management of projects is a risk as the uncertainty over LEP futures may lead to a loss of skills in the team if people leave.

Oxon Link Road (OLR) – this would be discussed under agenda item 8. Hereford City Centre Improvements (HCCI) – a 3-month extension had been granted to allow the project to defray its spend.

Pride Hill Centre Development – PRMC had been assured that financial contingencies had been built into the costs to allow for inflation.

Integrated Wetlands – the LEP continues to require evidence of output achievement, but match funding has been confirmed and verified.

Board members noted the content of the PRMC minutes.

## 7. Local Area Energy Planning (LAEP) Update

Tim Yair, the Midlands Net Zero Hub Principal Net Zero Project Officer gave a presentation on Local Area Energy Plan (LAEP), which covered the following points:

**Marches Energy Strategy** – launched in June 2019 and required updating. Producing a Marches wide LAEP will help replace it. **LAEP**:

- sets out the change required to transition an area's energy system to net zero in a given timeframe
- is a data driven and whole energy system and not just a strategy, it's an evidence-based approach
- results in a fully costed and spatial plan that identifies the change needed to the local energy system and may not be a formal document
- identifies near-term actions and projects, providing stakeholders with a basis for taking forward activity and prioritising investments and action

#### Progress:

Brighton & Hove Energy Services Cooperative have been commissioned to undertake the LAEP. This is costing £20k which is being funded by the Marches LEP and for this the following activity either has or will be completed:

- relevant reports and date reviewed
- meet with energy infrastructure stakeholders and local stakeholders from Marches Energy Group
- received updates on energy projects
- starting to look at transport data, including EV charging points and infrastructure
- reviewed renewable energy planning applications
- publish a Marches report in October 2023 which will give a starting point for the LAs and other partners to build on.

TY said that we then need to work out how to work with relevant partners. They can learn from us and don't have to re-invent the wheel.

TY will report back with the findings in due course and if any members wish to engage further with the project, please contact TY.

FM suggested that if the principal objective was to achieve Net Zero, this needs to be caveated with - whilst also achieving economic growth that we desperately need. That messaging is hugely important as the population are looking towards Net Zero whatever the consequence, and this isn't right. Also, the Marches is different in the 3 LA areas. The former Western Power have said that their plans are dictated by the Councils.

ΑII



TY said that all 3 LAs and the LEP have built relationships with NGED and Scottish Power which are enabling us to do a lot of this work. We will start to develop specific projects to address specific issues in particular areas. NGED have not been able to do this before.

RL said that this ties in with Land Use work that the LEP is doing.

FM suggested that tech solutions rather than policy solution are required, and he was not sensing much movement on this.

TY said that power companies can now use much more information including what business requires and this was important for communities and inward investment. Projects like this will give all the relevant information to the companies.

TY would feedback regarding the use of language around Net Zero.

WW wished to clarify that the Marches Energy Fund is a LEP fund where £3.575m has been put into 3 energy projects.

RL said that one of the projects is the Marches Energy Grant scheme which is going really well with a huge demand from businesses, and a top up of £114k has gone into that. A further top up may be provided.

Another project is the sub- station monitoring project looking at understanding and potentially releasing capacity across the Marches which will help support business growth.

The third project is to address the shortage of green skills through the creation of the Low Carbon Technology Centre in Hereford, which is opening soon.

SR thanked TY for the informative presentation.

#### 8. Oxon Link Road (OLR)

LP left the meeting for this item at 2:09pm.

MB updated the Board on the OLR project.

He said that the Shrewsbury Northwest Relief Road and OLR are two separate schemes but that they tend to be referred to collectively as the NWRR. The LEP grant was for the OLR. The NWRR was funded by central government.

The development of the NWRR requires detailed environmental assessments due to the sensitivity of where the proposed NWRR is, which is much more sensitive than where the proposed OLR will be. These were continuing but coming to a conclusion. It was normal when a planning application was submitted for a statutory agency to issue a holding objection. Progress has been strong to address the objections and there are now outstanding issues to address with only one agency. The confidence level to move this to formal consideration by the planning committee in the Autumn is guite strong.

MB said that working in parallel through this, the money from the LEP was awarded on the basis of helping bring forward some economic and development outputs in the area called Sustainable Urban Extension (SUE) West. Progress has been made there, with a development agreement awarded to a residential developer to bring forward in excess of 350 housing units. A firm offer had been received on an employment site and detailed negotiations were taking place with another. Multiple firm offers had also been received on the local centre serving the residential area. The Council is feeling comfortable that this is moving the way they want it to.

None of this at this stage is impeded by where the wider NWRR planning process is, and if needed the Council could dislocate the two to make sure it hits the timeframe for those developments. In theory the OLR could go ahead irrespective



of what happens with the NWRR. The Council hasn't got to the point that it needed to, to make that decision yet but it could make that decision on critical path to make sure the developments happen.

MB continued by saying that the gross development value of these developments is circa £100m, and the reassurance to the LEP Board is that this work has been going on to deliver the outputs that came with the confidence around the LEP grant. MB said he hoped to come back in the autumn and give a full update with clear timelines on exactly what will happen when. He apologised for not being able to go into detail about the planning issues as Shropshire Council were both the applicant and local planning authority.

SR said that it was great that this economic development was taking place and the significant amount of money that was coming into the area, but the LEP did buy a road and it is the road that is the key requirement. The NWRR is a much bigger project, but the LEP Board are focussed on the OLR.

In response to a question regarding the continuing validity of the business case submitted when the funding was awarded, MB said that the Council is on track to deliver the economic outputs that the road was there to deliver.

SR thanked MB for the helpful update.

MB left the meeting at 2:15pm.

SR reminded the Board of their responsibilities going into a potentially significant discussion and the potential outcome and impact of that discussion when considering their decision.

She continued by saying that the role of LEP is to support LA partners in the pursuit of infrastructure projects that will support the economic growth and development of the region. MB had presented quite clear growth in economic activity. The OLR is still a key project for Shropshire Council. Synergies could be drawn between this and a similar project across the Marches that had had clawback. It is worth noting that whilst a road featured in both of these projects, in the previous case the option was to re-purpose the funds into something that was not aligned to the original funding award; it therefore wasn't going to go back into building a road. In this instance Shropshire Council remain committed to delivering a road as per the original contract award so the synergies aren't the same.

The Performance Risk and Monitoring Committee (PRMC) recommendations were made on the understanding that the planning meeting was to be held before this Board meeting. We were informed that this would then be September and have now been told that this will be in 'the autumn'.

Any delay in a decision to claw back funds, if that is what the Board chooses to do, reduces the time to re-purpose the funds and get it spent. There is a significant chance that this project could go to Judicial Review on the planning, and if this is the case it will add a delay of approximately 18 months and potentially will be a significant additional financial cost to the project.

FM asked if any legal advice had been sought on the LEP position in this context. SR said that legal advice had been received. The precedent had been set in the past regarding clawback. It was not a preferred option but contractually the LEP is able to do it.



RL re-iterated that the LEP had bought a road and it was pleasing to hear about the regeneration that was happening. To highlight some concerns however, the scheme was funded 8 years ago. The project has come back to the Board a number of times over the years. Documents on the Shropshire Council website say that the road was initially due to open in August 2021 and currently, it is still not clear if it will get planning permission. It had been discussed at the Board before that the projects needed to be separated. The Board has always been clear that the OLR project is a separate project to NWRR. It is understood why Shropshire Council joined the NWRR and OLR projects together, it makes sense from an economic perspective when you are going out to tender, to tender for the whole road. RL expressed concern about how it looks for the LEP as it has been given the money to allocate to projects to deliver; it is now 8 years on and the road has yet to be delivered. It is understood that the Council is still committed to it. If planning permission is granted and the project goes to Judicial Review the LEP is in danger of having funded a scheme approved 10 years ago, which still hasn't got a 'shovel in the ground'. This doesn't reflect well on the LEP and its ability to manage public money effectively.

FM said that members of the Board have a responsibility as directors and professionals, and what was funded is not being provided, which is a deal breaker. As the project is faced with further delays the funds could be doing something useful somewhere else. He emphasised that his view is not based on geographic bias.

CF asked what any re-purposed funds would be used for. Did Shropshire Council have the ability to re-apply to use funding for economic development/regeneration and the community? RL suggested that Shropshire would have equal opportunity to bid and that the funds need to be spent in line with the original funding criteria for Local Growth Fund Round 1 – capital funding for economic development. RL suggested that there would be an open call for any re-purposed funds open to all 3 authorities and the private sector.

GG asked what the outputs of the OLR project are – purely to build a road or about jobs, economy etc. SR said that an infrastructure project was to grow the economy, represented by housing, job creation and new facilities in the area and these additional targets are part of it.

RL said that as the project has been back to the Board numerous times and there has been a contract variation (which is unsigned), Shropshire Council now have until 2032 to deliver the outputs and these are being delivered; but the LEP bought a road. An outline business case, not a full business case was submitted 8 years ago. If the Board wishes to be patient a little longer, it is suggested that a new business case is required including new traffic modelling as travel patterns have changed over the years. The existing business case may no longer be valid.

GG said that the update from Shropshire Council today is a verbal update. The Board may wish to have information in writing prior to making this important decision. RL said that the project had been presenting regularly to PRMC and the verbal update today was an updated position to that given to the PRMC meeting in June 2023. The PRMC was told then that the project would go to planning in July, which is partly why this Board meeting was delayed. SR said that the recommendations from PRMC to the Board in the paper were made based on the information available at the time regarding when the project would be going to planning committee.



CF asked if this had been a government-initiated grant and the project hadn't delivered within 10 years, would this money have been clawed back? It was believed likely that the government would have initiated some action in such a case. RL said that the LEPs used to be reviewed each year at the Annual Performance Review against strategy, performance and delivery. The LEP would have got a poor review based on this performance. SR said that this project will have a knock-on effect on the performance of the LEP.

WW noted that MB had said that there was an opportunity to uncouple the OLR project from the NWRR planning application in order to deliver the road to an extent.

RL reminded members that the OLR project had been brought to the PRMC and to the Board a number of times. The Board were emphatic at the November 2022 meeting that the projects needed to be treated separately, and that they should be uncoupled. Staff at Shropshire Council have said that if this was the case there would need to be a new tendering process just for OLR and a new planning application, so worst case scenario is that it would be 18 months until there was a 'shovel in the ground'. WW said that if issues persist with the Environment Agency requirements for NWRR, it could be another 18 months before it gets planning.

RC re-iterated the point made earlier regarding precedent. He asked if the decision was about the money for the road, for outputs and a road, or the outputs. Has the LEP gone back formally to Shropshire Council to ask if they are going to deliver to those outputs by 2032, and how. If the delivery to that is at risk, then what are the options. Is the requirement for a road, for outputs or both? Depending on their answer would inform the decision. Was the money for the delivery of the road?

SR said that it has been made clear that the output is the road we are buying, and the outcome is the economic development impact that we are seeing coming through earlier.

RL asked what if all the outcomes were achieved without the road being built, when the project had been awarded £4.2m.

GG suggested that the business case would have to say that the outputs can be delivered by doing something else and not necessarily by a road.

SR said that the funding was for a capital infrastructure project to fund a road, not specifically for the jobs and economic outcomes.

GG said he was going from experience of having LEP money and trying to reduce the angles of questions if the decision is made to clawback. Has it been explored before to amend the business case?

SR said that what has actually been delivered is important and members were reminded of the outputs that had been delivered (as at Q1 2023). It is clear that the LEP funded a road and cycle ways.

SR suggested that the Board need to consider whether the other outputs reported earlier by MB offset the lack of delivery of a road.



RL asked if the LEP had funded a road, and all those outputs were being achieved without the building of the road then what was the £4.2m being used for. The LEP has to be accountable for the £4.2m.

AG said that delivery of the road is linked with the SUE West plan, which is dependent on having the road. The incidental growth has happened off the back of it and isn't linked to the road in that sense. Previously OLR was an integral part of SUE West; apparently now SUE West can go ahead without the link road. It is important to understand this as we are not going to get those percentages any higher without the road. You can't pin these to the road. The OLR part of the development is less controversial than the wider scheme so could we go back to Shropshire Council and make it contingent that the funding only stays in place if the projects are separated. Although this would cause more delay and potentially more cost, we would be more likely to get the OLR.

JW (Shropshire Council Section 151 Officer) stated that he was attending the meeting in his capacity as the LEP Treasurer. The devil's advocate question was does the Board want the road with no outcomes? It isn't an either/or, you want both. In terms of the risk associated with this, there was discussion about clawback generally. NWRR itself is a government-funded scheme for which funding was provided years ago that has not been clawed back. That is still on the basis that this is an ongoing process, and that funding is still there. The match funding coming from the Council is the bit that is being worked through, but that is on the basis of the final cost for the overarching scheme, but the government funding is still there; it has not been clawed back.

Regarding clawback in terms of the LEP – do you want to bring the money back to the LEP and re-purpose it? There is a separate issue around if public funding is not used for the purpose it was intended for and the outcomes have not been delivered, government can claw it back. Regardless of what the LEP does, that can happen. That is a risk and also a safeguard in a sense, because whatever happens to the LEP in future, there will still be safeguards around that public funding being used for the purposes it was supposed to be used for. In theory it could be clawed back, years after the LEP has gone.

Purely from a LEP point of view is the consideration around the level of risk. At the moment the Board has received a verbal update in relation to a series of outcomes to be delivered, some of which are already progressing. I don't believe those outcomes can be delivered without the road, but I am not that close to the project. There are a series of outcomes to be delivered as part of this which may be delivered in 18 months' time, and may take longer, or may not be delivered at all. That is the risk. I believe that the question for the LEP is do you want to 'stick with that horse', or if you pull it back all of those outcomes/outputs no longer belong to LEP and put something else out, which in reality, if LEPs are not here in whatever purpose going forward, this will have to be managed and considered - does it deliver the outcomes/outputs and risk of clawback. The question I would ask the LEP is do you believe that there is a 'better horse to back'?

FM suggested that the outputs in the report were miniscule and only a matter of opinion. How can the argument be made that these are as a result of the road?

RL said that on previous LGF schemes she had worked on the planning permission for the housing development was tied to the transport scheme being funded. Regarding overseeing a potential wind up of the LEP, if the funds were brought back RL believed that there would be time to adequately see the re-allocation of the



funds. The LEP has enough funding to trade through next financial year regardless of government core funding, therefore for another 18 months to see out the delivery of other projects. So, this is a lower risk.

SR summarised by saying that the Board may wish to reflect further but that she believed there were 3 options available:

#### Option 1

This option was based on the fact that the proposal was going to planning committee "in the Autumn" and the outcome of this would be the deciding factor for this project.

Shropshire Council would be asked to provide a revised business case to include traffic modelling and an updated Business Cost Ratio (BCR), delivered within 3 months. This would be required by the end of October 2023. If this is received by the end of October it gives the LEP Board a chance to consider the case, consider the findings and have the planning decision available. The planning decision was expected in September, but MB has said today that it is expected "in the autumn". MB would be asked to provide the Board with clarification on the date of the planning committee.

The LEP would then be in a position to bring the request for a decision to the Board at the 28 November meeting. The decision may be taken out of the LEP's hands depending on the decision made by the planning committee.

#### Option 2

That clawback is triggered with immediate effect.

#### Option 3

Further consideration – as heard today there may be other outputs and outcomes that the Board may wish to explore further.

There was some discussion regarding the options. If a decision was taken in November, there would be less time to re-purpose any returned funds. If clawback was initiated and funds returned, Shropshire Council would be able to apply for funds again for an updated scheme.

SR suggested that those members present today could take an indicative vote (as the meeting was not quorate).

Of the 7 eligible members present 3 voted for Option 1, 4 voted for Option 2. A formal vote on the options would be taken via correspondence.

LP and MB rejoined the meeting at 2:53pm.

SR re-iterated the 3 options that had been presented to the meeting and said that in an informal vote 3 members had voted for Option 1, for Shropshire Council to provide a revised business case (including traffic modelling and updated BCR) and the decision of the planning committee to the LEP by the end of October 2023, in order that a proposal can be considered at the November Board meeting. Four members had voted for Option 2 which was for clawback to be triggered with immediate effect.

Shropshire Council was asked to provide the Board with the date of the planning committee as soon as possible.

LP

SR

9. Marches LEP Finance Update



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	RL informed the Board that the full set of accounts for 22-23 had been prepared					
	and were with the auditors, in preparation for the AGM. The LEP had made a small					
	loss last year, but this was less than the previous year and in context of the					
	reduced funding from government, this was a pleasing result. The auditors had					
	confirmed that the Marches LEP remains a going concern. RL went through the					
	funds.					
	The Board noted the contents of the report.					
	SR thanked the observers for attending and asked them to leave the meeting prior to Part B, which was a private session.					
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10.	Any Other Business					
	The date of the next Board meeting originally scheduled for 26 September 2023					
	would need to change due to member availability. Members were asked for an					
	indication of who might be available on 19 September 2023.					
	EV would contact members to confirm attendance.	EV				
	Part B – Private Session					
	Confidential					
11.	Future of the LEP					
	SR asked the LEP staff present to leave the room (except the LEP CEO).					
	KJ, MS, JG and TY left the meeting. EV remained to take notes of the first part of					
	the session.					
	The private session commenced at 2.55pm.					
	RL gave a presentation on a number of options regarding the future of The					
	Marches LEP Ltd.					
	RL and EV then left the session at 3.17pm and members continued the confidential					
	discussion.					
	Future Meetings:					
Sep	19 September 2023 – EV to check availability with members. Location TBC					
2023						
Nov	00 N					
2023	28 November 2023 – Ludlow Racecourse					

Signed (electronically): Sonia Roberts, Chair Marches LEP

Date: 19 September 2023