



CABINET

DECISION NOTICE

Publication Date: 2nd March, 2017

At a special meeting of the Cabinet held on 28th February, 2017 the following matters were discussed. The decisions of Cabinet are set out below each item along with reasons for the decision and other options considered.

PRESENT: Councillor Watson (in the Chair)
Councillors Hyldon-King, James, Patrick and Wheatley

DN.127 **APOLOGIES FOR ABSENCE**

There was apologies of absence received from Councillors Chase and Oxby for this meeting.

DN.128 **DECLARATIONS OF INTEREST**

There were no declarations of interest in any items on the agenda for this meeting.

DN.129

COMMUNITY STADIUM

Cabinet considered a report from Portfolio Holder for Regeneration, Skills and Housing providing an update on the Sequential Site Assessment and recommending that the site known as Peaks Parkway be made subject to an Option Agreement.

RESOLVED –

- (1) That the conclusions of the assessment of economic viability set out below and the viability appraisals appended to the report now submitted at Appendix 1, be noted.**
- (2) That the results of the further Sequential Assessment Addendum report carried out by SLR Consulting Ltd on the site known as Pleasure Island appended to the report now submitted at Appendix 2, be noted.**
- (3) That the Director of Economy and Growth, in consultation with the Director of Finance, Resources and Operations be authorised, to enter into an Option Agreement for the Peaks Parkway site on terms and conditions recommended as suitable to the Council by independent legal advisors all in conjunction with the Portfolio Holder for Regeneration, Skills and Housing.**

REASONS FOR DECISION – GTFC have appointed a development partner known as Extreme Leisure (EXTREME). An assessment of economic viability has been carried out on behalf of the Council by consultant quantity surveyors Ryden LLP (Ryden). Ryden also carried out benchmarking activity and made general enquiries in respect of the availability of finance for projects of this nature. EXTREME have appointed their own advisor team and have confirmed to the Council their view that the Community Stadium project is viable. EXTREME's work includes liaising with their funding partners. The reason why Cabinet are recommended to note the viability analysis is limited solely to the potential impact of tying up the Peaks Parkway site for the period of the proposed Option Agreement. Without evidence that the Community Stadium project is viable, within the option period, then the Council could prejudice any other plans it may have for development at Peaks Parkway. This is considered low risk as the Council does not currently have any other plans for development at Peaks Parkway. An outline business case has not been developed by the Council as this is now an EXTREME/GTFC project and as such it is not the authority's responsibility to develop a separate business case. The role of the authority has evolved to become that of

an enabling landowner capable of facilitating the project by entering into an Option Agreement for the reference site at Peaks Parkway thereby giving requisite assurance and comfort to permit GTFC/Extreme to make further investment into feasibility.

During 2015 SLR Consulting Ltd carried out a suitability based sequential assessment on a total of 16 sites. The assessment was completed in accordance with National Planning Policy guidance, with the sites assessed against a range of scoring criteria agreed in principle with both NELC and GTFC. Following analysis and moderation Cabinet will recall that the scores were tabulated as set out below in Table 1.

Since that analysis there have been changes regarding the site known as Pleasure Island. For completeness this site has now been considered against exactly the same 2015 criteria as the 16 sites within the original suitability based sequential assessment. This additional site assessment activity is the reason for the delay from 30 November 2016 to date. The full Addendum report on the Pleasure Island site is attached to this report as Appendix 2. Table 2 shows where the Pleasure Island site would have been if it had been included in the initial Sequential Survey. The owner of the Pleasure Island site has been thanked for her assistance and support throughout this process.

Further to the above, the owner of the site has confirmed that they are unwilling for the Pleasure Island site to be considered further for the development of a Community Stadium. As such, without the potential use of CPO powers, the site cannot be considered reasonably available within the timescales identified.

The reason why entry into an Option Agreement is recommended is that this will provide the necessary Council commitment to enable and facilitate further investment into the Community Stadium project, with its enabling development, by EXTREME leading to further master-planning, planning, financial appraisal and preparatory activities.

OTHER OPTIONS CONSIDERED – Do nothing. This would not enable the project to advance and the potential benefits highlighted would not be able to be gained. The positive partnership working built up between the Council, GTFC, the Mariners Trust and EXTREME would be jeopardised. The delivery of both a Community Stadium and enabling development expected to comprise of a mixture of housing developments would be foregone.

DN.130

URGENT BUSINESS – PORT OF IMMINGHAM FLOOD DEFENCE IMPROVEMENT PROJECT

Cabinet received a report from the Deputy Leader and Portfolio Holder for Energy and Environment seeking approval to act as accountable body for and receive Flood and Coastal Erosion Risk Management Grant.

This item was considered urgent in order to enable the Environment Agency to transfer its allocation of funding for the project (£2.5m) to the Council before the end of March 2017.

RESOLVED –

(1) That the proposal for the Council to act as Accountable Body for the Environment Agency Flood and Coastal Erosion Risk Management grant and, if subsequently approved, for the European Regional Development Fund grant; and agrees to receipt of these funds, in accord with the Council's duties as Local Lead Flood Authority, be approved.

(2) That the Director of Economy and Growth and the Monitoring Officer be authorised to

- **negotiate and finalise appropriate legal agreements between the Council, Environment Agency and ABP; and**
- **put in place appropriate project monitoring arrangements**

to minimise any financial, compliance or other risks to the Council in discharging the Accountable Body function for the funds.

(3) That the Director of Economy and Growth be authorised to ensure that all actions necessary and ancillary thereto be completed.

REASONS FOR DECISION – Implementing the proposed flood defence improvement project will significantly reduce the risk of flooding to the Port of Immingham and ensure that it will continue to sustain its role as a vital part of the UK's national economic infrastructure and support the Council's plans for North East Lincolnshire's economic growth.

The Council will play a key role in delivering the project by acting as Accountable Body for grant funding from the Environment Agency and, if approved, from the European Regional Development Fund. Should the Council determine that it does not wish to play this role, the project is unlikely to proceed as Department for Environment, Food and Rural Affairs regulations prevent direct financial support for ABP in this context and the funding would be re-allocated.

OTHER OPTIONS CONSIDERED – The Council could have chosen to do nothing as an alternative to taking on the role of Accountable Body for the project: This option has not been pursued because:

- it is unlikely that the project would proceed in its current form if the Council did not take on the role of Accountable Body as the

Environment Agency cannot provide direct funding to ABP to deliver the scheme

- the Port of Immingham is a vital part of the UK's national economic infrastructure and, were the Council to 'do nothing', this would continue to place the port estate at significant risk of flooding with potentially serious consequences for both the national and local economy and energy resilience.