



Oversight and Governance

Chief Executive's Department

Plymouth City Council

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Published 27/07/22

Delegated Decisions

Delegated Executive/Officer Decisions

Delegated Executive and Officer decisions are published every Wednesday and are available at the following link - <https://tinyurl.com/ms6umor>

Cabinet decisions subject to call-in are published at the following link - <http://tinyurl.com/yddrql6>

Notice of call-in for non-urgent decisions must be given to the Democratic Support Unit by 4.30 pm on Wednesday 03 August 2022. Please note – urgent decisions and non-key Council Officer decisions cannot be called in. Copies of the decisions together with background reports are available for viewing as follows:

- on the Council's Intranet Site at <https://modgov/mgDelegatedDecisions.aspx>
- on the Council's website at <https://tinyurl.com/jhnax4e>

The decision detailed below may be implemented on Thursday 04 August 2022 if it is not called-in.

Delegated Decisions

I. Councillor Richard Bingley, Leader of the Council:

I.1. Kings Tamerton EfW S106 Funding

(Pages 1 - 16)

EXECUTIVE DECISION

made by a Cabinet Member




REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – L06 22/23

Decision			
1	Title of decision: Kings Tamerton EfW S106 Funding		
2	Decision maker (Cabinet member name and portfolio title): Councillor Richard Bingley, Leader of the Council		
3	Report author and contact details: Liz Dunster, Housing Delivery Officer Tel: 304169 liz.dunster@plymouth.gov.uk		
4	Decision to be taken: <ul style="list-style-type: none"> • Approve the Business Case • Allocate £330,000 for the project into the Capital Programme funded by S106 from the Energy from Waste plant. • Approve the transfer of the funds in accordance with the S106 		
5	Reasons for decision: To enable the £330,000 S106 monies to be spent in order to provide a net zero housing development		
6	Alternative options considered and rejected: Not to allocate S106 monies to the scheme – this would result in the site remaining unviable for development as a net zero scheme		
7	Financial implications and risks: The S106 monies have been received and are already allocated to the scheme with a Spend Certificate		
8	Is the decision a Key Decision? (please contact Democratic Support for further advice)	Yes	Per the Constitution, a key decision is one which:
			✓ in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total
			✓ in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million

			✓	is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.
	If yes, date of publication of the notice in the Forward Plan of Key Decisions	N/A		
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:	<p>The Kings Tamerton site is allocated for housing in the Plymouth and South West Devon Joint Local Plan 2014-2034. Policy SPT3 of the JLP makes provisions to deliver at least 19,000 new homes in Plymouth by 2034, of which 4,550 should be affordable. In addition, Policy DEV7 requires a broad range of housing including specialist housing to meet needs; and there is a requirement to deliver at least 30% of the total number of dwellings on qualifying development as affordable housing units.</p> <p>The scheme also supports our response to the climate emergency and aspiration to be a Carbon Neutral City by 2030 – supporting and accelerating the delivery of the Council's Carbon Reduction Plan and City's Climate Emergency Action Plan (CEAP) by enabling the development of zero-carbon housing. It is a flagship scheme for innovation within CEAP and part of the Eco Homes Programme which is in the Leader's Delivery Plan.</p>		
10	Please specify any direct environmental implications of the decision (carbon impact)	<p>Working with PEC Homes this project proposes to pioneer the Energiesprong approach to net-zero carbon homes to provide a replicable and scalable model for achieving this aim and aligns with our ambitions to do so by 2030.</p> <p>It is calculated that this scheme will achieve carbon savings of 322,000kg of CO² pa.</p>		
Urgent decisions				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes		(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)
		No	X	(If no, go to section 13a)
12a	Reason for urgency:			
12b	Scrutiny Chair Signature:		Date	

	Scrutiny Committee name:			
	Print Name:			
Consultation				
I3a	Are any other Cabinet members' portfolios affected by the decision?	Yes	<input checked="" type="checkbox"/>	
		No	<input type="checkbox"/>	(If no go to section I4)
I3b	Which other Cabinet member's portfolio is affected by the decision?	Councillor Rebecca Smith, Cabinet Member for Homes and Communities		
I3c	Date Cabinet member consulted	19 July 2022		
I4	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes	<input type="checkbox"/>	If yes, please discuss with the Monitoring Officer
		No	<input checked="" type="checkbox"/>	
I5	Which Corporate Management Team member has been consulted?	Name	Anthony Payne	
		Job title	Strategic Director for Place	
		Date consulted	19 July 2022	
Sign-off				
I6	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS27 22/23	
		Finance (mandatory)	pl.22.23.82	
		Legal (mandatory)	LS/38952/JP/210722	
		Human Resources (if applicable)	N/A	
		Corporate property (if applicable)	N/A	
		Procurement (if applicable)	N/A	
Appendices				
I7	Ref.	Title of appendix		
	A	Briefing report for publication (<i>mandatory</i>)		
	B	Equalities Impact Assessment (<i>where required</i>)		
	C	Business Case		
Confidential/exempt information				
I8a		Yes	<input type="checkbox"/>	

	Do you need to include any confidential/exempt information?	No	<input checked="" type="checkbox"/>	<p>If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below.</p> <p>(Keep as much information as possible in the briefing report that will be in the public domain)</p>						
		Exemption Paragraph Number								
		1	2	3	4	5	6	7		
18b	Confidential/exempt briefing report title:									
Background Papers										
19	<p>Please list all unpublished, background papers relevant to the decision in the table below.</p> <p>Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</p>									
Title of background paper(s)		Exemption Paragraph Number								
		1	2	3	4	5	6	7		
Cabinet Member Signature										
20	<p>I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.</p>									
Signature				Date of decision		22 July 2022				
Print Name		Councillor Richard Bingley, Leader of the Council								

Part I Briefing Report

Energy from Waste S106 Funding to Support Community Led Affordable Housing at Kings Tamerton



Background

The site has been allocated for housing for many years. It was marketed under Plan for Homes in 2013 but there was no interest from the market due to the topography and the high cost of infrastructure required to get onto the site which is in a low value area.

In January 2017 we received a proposal from Land Developments (SW) Ltd who were prepared to cover the upfront cost of the access infrastructure in return for being given part of the site for market housing. They submitted a planning application in November 2019 but had to withdraw the application due to lack of funds to complete legal work and went into Receivership in January 2021.

PCC had already been in talks with PEC about a community led scheme on part of the site and following the withdrawal of Land Developments, PEC agreed to take the lead on re-planning the site and submitting an outline application for the whole site.

PEC were awarded £90,000 Community Housing Funding to take the site through the planning process and have held community consultations to inform the design of the site. PEC intend to deliver net zero carbon, affordable housing using the Energiesprong method which guarantees the performance of the homes. To do this they are undertaking a 2 part procurement exercise and are currently in the second stage where 3 potential contractors are working up detailed proposals to present to PEC. Once one has been appointed they will then submit Reserved Matters applications for Phase One of the site which will involve development of 40 homes. A decision is yet to be made on who will deliver the remaining 30 homes on Phase 2.

A conditional contract has been exchanged with PEC and the land transfer will complete once Reserved Matters consent has been granted. The outline planning application was approved by Planning Committee on 9 December 2021, subject to signing a S106. The decision was issued on 8 July 2022 when the sale contract exchanged, allowing PEC to sign the S106. The issuing of a decision means PEC's application to become a Registered Provider can be progressed by the Regulator.

The Housing Delivery Team were successful in a bid for Land Release Funding for this site. £600,000 was awarded by MHCLG to cover the cost of works to help cover the costs of abnormal site conditions including providing an access road onto the site.

The site is a flagship scheme for innovation under the Climate Emergency Action Plan (CEAP) and part of the Eco Homes Programme which is in the Leader's Delivery Plan

Recommendations

- Approve the Business Case
- Allocate £330,000 for the project into the Capital Programme funded by S106 monies

Reasons for Recommendation

That the works be added to the Capital Programme to enable the spend of the S106 monies and that a grant agreement be entered into with PEC Homes to ensure the monies are spent in accordance with the S106 Agreement, namely:

To facilitate and enable the delivery of low carbon infrastructure which may include:

- (i) Education, advice, services and/or equipment designed to lower the energy demands of individuals and Micro Businesses including but not limited to insulation double glazing solar panels and photovoltaics; and
- (ii) A Future District Heating Network including implementation and delivery costs of the distribution network but for the avoidance of doubt excluding any costs related to heat generation including the generation of heat from the Plant.

Alternative Options

If the monies are not added to the Capital Programme the funding may need to be returned if there is no other suitable project to allocate them to. This would also add to the funding gap of the project which could result in the development stalling or providing homes that are not net zero carbon.

Liz Dunster Housing Delivery Officer
Neil Mawson Housing Delivery Manager

CAPITAL INVESTMENT BUSINESS CASE UPDATE



Kings Tamerton Energiesprong Housing Project

PURPOSE OF BUSINESS CASE UPDATE

To add £330,000 of S106 monies allocated to this housing project to the Capital Programme.

BRIEF DESCRIPTION OF PROJECT

This project aims to utilise a council owned site off Coombe Way, Kings Tamerton to deliver up to 70 net-zero carbon homes including at least 40 affordable community-led homes, under the Plan for Homes initiative. It is also a flagship scheme for innovation under the Climate Emergency Action Plan (CEAP) and part of the Eco Homes Programme which is in the Leader's Delivery Plan, aiming to pioneer a new approach to the delivery of low carbon homes known as Energiesprong and incorporating Modern Methods of Construction (MMC). It aims to provide a replicable and scalable model, creating the catalyst for a future pipeline of net-zero carbon homes across the city. £600,000 of Land Release Fund grant has been secured towards this project and is already in the capital programme.

PROGRESS UPDATE

The outline planning application was approved by Planning Committee on 9 December 2021, subject to signing a S106 and the decision was issued on 8 July 2022. The delay was due to ongoing negotiations regarding the land sale contract which needed to be exchanged before PEC Homes could sign the S106.

A tender process is currently being carried out by PEC Homes to appoint a contractor to deliver the first phase of the project. It is anticipated the Reserved Matters application will be made late 2022, allowing a start on site next year. This is slightly later than stated in the original Business Case as the planning application was called in to Planning Committee and there was also a need for detailed viability work to assess the ability of the development to contribute towards various planning obligations. It was also necessary for contracts for the sale of the land to be exchanged prior to signing the S106 agreement which delayed matters due to lack of resource in the legal team.

The £330,000 that this paper proposes should be added to the Capital Programme has been secured by way of a signed spend certificate from the S106 funds paid as a planning obligation by the developer of the Energy from Waste plant. The funds will be used to help achieve low carbon measures in line with the requirements of the S106 agreement.

KEY RISKS:

- Failure to secure reserved matters planning permission.
- Inability to secure sufficient additional funding for the proposed redevelopment.

MILESTONES AND DATES: *(delivery timescales) CURRENT PROGRAMME*

Stage	Timing
Completion of Stage 2 Design Competition	Sept 2022
Target Reserved Matters application	Dec 2022
Start on site	June 2023

NEXT STEPS

PEC's procurement process involves three potential contractors taking part in a design competition. Once the winner is decided they will be appointed and will submit Reserved Matters applications. When consent is given the sale of the land can be completed and works can start on site once pre-commencement conditions have been discharged. This is likely to be in mid-2023.

FINANCIAL IMPLICATIONS

£330,000 S106 money has already been allocated to this project and is secured by way of a signed S106 spend certificate.

Once allocated to the capital programme these funds will be added to the £600,000 grant already secured for the purpose of meeting some of the development costs associated with this project. This will create a total subsidy available to the project of £930,000 that will be spent in line with the terms of the funding agreements that accompany the two sources of money.

It is the Council's intention to passport these funds directly to PEC Homes, in arrears, and for them to commission the required works via their main contractor once grant agreements are completed.

RECOMMENDATION

It is recommended that the Leader of the Council:

- Approves the Business Case
- Allocates £330,000 for the project into the Capital Programme funded from S106 capital funding
- Approves the transfer of the funds in accordance with the grant agreement

EQUALITY IMPACT ASSESSMENT TEMPLATE AND GUIDANCE

Policy and Intelligence Team



EQUALITY IMPACT ASSESSMENT TEMPLATE

SECTION ONE: INFORMATION ABOUT THE PROPOSAL

Author(s): This is the person completing the EIA template.	Liz Dunser	Department and service:	Housing Delivery Team, SP&I	Date of assessment:	19.7.22
Lead Officer: Please note that a Head of Service, Service Director, or Strategic Director must approve the EIA.	Nick Carter, Head of Housing & Infrastructure	Signature:	N J Carter	Approval date:	19.07.22
Overview: Please use this section to provide a concise overview of the proposal being assessed including: <ul style="list-style-type: none"> ▪ Aims and objectives (including rationale for decision) ▪ Key stakeholders ▪ Details of any engagement activities 	<p>We are conducting this equality impact assessment of a housing development scheme. Kings Tamerton is a Plymouth City Council (PCC) led project to deliver 70 net-zero carbon homes including 40 affordable community-led homes. It aims to be a flagship scheme for innovation and to pioneer a new approach to net-zero carbon homes, incorporating Modern Methods of Construction. It will provide a replicable and scalable model and be the catalyst for a future pipeline of net-zero carbon homes across the city.</p> <p>Key stakeholders are PCC, PEC (the developer), Ward Councillors and the local community.</p> <p>Extensive consultation has been carried out by PEC in partnership with PCC within the local community and PEC's community. Ward Councillors and Cabinet Members have also been consulted.</p>				
Decision required: Within this section, you must be clear on any decision being made and how/when, it will be taken.	It is recommended that the Leader of the Council: <ul style="list-style-type: none"> • Approves the Business Case • Allocates £330,000 for the project into the Capital Programme funded from S106 capital funding • Approves the transfer of the funds in accordance with the grant agreement 				

SECTION TWO: EQUALITY IMPACT ASSESSMENT SCREENING TOOL

Potential external impacts: Does the proposal have the potential to negatively impact service users, communities or residents with protected characteristics?	Yes		No	X
Potential internal impacts: Does the proposal have the potential to negatively impact Plymouth City Council employees?	Yes		No	X

Is a full Equality Impact Assessment required? (if you have answered yes to either of the questions above then a full impact assessment is required and you must complete section two)	Yes		No	X
If you do not agree that a full equality impact assessment is required, please set out your justification for why not.				

SECTION THREE: FULL EQUALITY IMPACT ASSESSMENT

Protected characteristics (Equality Act, 2010)	Evidence and information (e.g. data and consultation feedback)	Adverse impact	Mitigation activities	Timescale and responsible department
	<p>Provide examples of the data that you have used to inform your decision. Examples include census data, service feedback, consultation responses and information collected via demographic monitoring etc.</p> <p>The boxes below provide examples of the types of data you may wish to use.</p>	<p>Please use this column to identify where your decision may cause an adverse impact on those with protected characteristics. You can read the EIA Toolkit for guidance on how to make judgement.</p> <p>Where there is no adverse impact, please type 'not applicable'.</p>	<p>Please use this column to detail any mitigation action you plan to take to limit any identified adverse impacts. Where it is not possible to mitigate against an adverse impact you must make this clear. You can read the EIA Toolkit for guidance.</p>	<p>Please use this column to provide the timeframe for implementing any mitigation activities. You must include the lead department.</p>
Age	The average age in Plymouth (39 years) is about the same as the rest of England (40 years) but less than the South West (44 years).	N/A		
Disability	10 per cent of our population have their day-to-day activities limited a lot by a long-term health problem or disability (2011 Census).	N/A		
Gender reassignment	There are no official estimates for gender reassignment at either national or local level.	N/A		

	<p>However, in a study funded by the Home Office, the Gender Identity Research and Education Society (GIRES) estimate that between 300,000 and 500,000 people aged 16 or over in the UK are experiencing some degree of gender variance.</p>			
Marriage and civil partnership	<p>There were 234,795 marriages in England and Wales in 2018.</p> <p>In 2020, there were 7,566 opposite-sex civil partnerships formed in England and Wales, of which 7,208 were registered in England and 358 were registered in Wales.</p> <p>There were 785 civil partnerships formed between same-sex couples in England and Wales in 2020, of which 745 were registered in England and 40 were registered in Wales.</p>	N/A		
Pregnancy and maternity	<p>There were 640,370 live births in England and Wales in 2019, a decrease of 2.5 per cent since 2018. The mid-year 2019 population estimates show that there were 2,590 births in Plymouth.</p> <p>The total fertility rate (TFR) for England and Wales decreased from 1.70 children per woman in 2018 to 1.65 children per woman in 2019.</p>	N/A		

Race	<p>92.9 per cent of Plymouth's population identify themselves as White British. 7.1 per cent identify themselves as Black, Asian or Minority Ethnic.</p> <p>Census data suggests at least 43 main languages are spoken in the city, showing Polish, Chinese and Kurdish as the top three.</p>	N/A		
Religion or belief	<p>Christianity is the biggest faith in the city with more than 58 per cent of the population (148,917). 32.9 per cent (84,326) of the Plymouth population stated they had no religion (2011 Census).</p> <p>Those who identified as Muslim were just under 1 per cent while Hindu, Buddhist, Jewish or Sikh combined totalled less than 1 per cent (2011 Census).</p>	N/A		
Sex	<p>50.2 per cent of our population are women and 49.8 per cent are men.</p>	N/A		
Sexual orientation	<p>There are no official estimates for sexual orientation at a local level. There is no precise local data on sexual orientation in Plymouth.</p> <p>Data based on the ONS Annual Population Survey 2017 estimates, approximately 1.7 per cent of the UK population is lesbian, gay or bisexual (LGB).</p>	N/A		

SECTION FOUR: HUMAN RIGHTS IMPLICATIONS

Human Rights	Implications	Mitigation Actions	Timescale and responsible department
If your proposal may impact on the Council's ability to ensure human rights, please specify the relevant article in the boxes below – add more rows if required. Only complete this section if it is relevant to your decision. If it is not relevant, please type 'not applicable'.	Please use this column to identify where your decision may cause a negative impact on the Council's ability to ensure human rights. Where there is no impact, please type 'not applicable'.	Please use this column to detail any mitigation action you plan to take to limit any negative impacts. Where it is not possible to mitigate against a negative impact you must make this clear.	Please use this column to provide the timeframe for implementing any mitigation activities. You must include the lead department.
N/A	N/A		

SECTION FIVE: OUR EQUALITY OBJECTIVES

Equality objectives	Implications	Mitigation Actions	Timescale and responsible department
	Please use this column to identify where your decision may cause a negative impact on the Council's ability to meet its equality objectives. Where there is no impact, please type 'not applicable'.	Please use this column to detail any mitigation action you plan to take to limit any negative impacts. Where it is not possible to mitigate against a negative impact you must make this clear.	Please use this column to provide the timeframe for implementing any mitigation activities. You must include the lead department.
Celebrate diversity and ensure that Plymouth is a welcoming city.	N/A		
Pay equality for women, and staff with disabilities in our workforce.	N/A		
Supporting our workforce through the implementation of Our People Strategy 2020 – 2024	N/A		

Supporting victims of hate crime so they feel confident to report incidents, and working with, and through our partner organisations to achieve positive outcomes.	N/A		
Plymouth is a city where people from different backgrounds get along well.	N/A		

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