

# EXECUTIVE DECISION

made by a Cabinet Member



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

Executive Decision Reference Number – L34 22/23

Decision	
1	<b>Title of decision:</b> Better Places Programme: Armada Way Scheme
2	<p>Decision maker (Cabinet member name and portfolio title): Councillor Richard Bingley, Leader</p> <p>The TCF Programme Board have delegated powers under the approved TCF Assurance Framework agreed with the Department for Transport to “provide necessary approvals form one delivery stage to the next” in relation to the TCF programme, of which Armada Way forms a part.</p> <p>The TCF Programme Board can, however, where there is a ‘significant political impact’ that cannot be managed by the TCF Board refer the matter to Cabinet.</p> <p>Under the Leaders Scheme of Delegation at section 1.1, the Leader can delegate and take back functions as he sees fit.</p>
3	<b>Report author and contact details:</b> Paul Barnard, Service Director for Strategic Planning & Infrastructure Contact: paul.barnard@plymouth.gov.uk
4	<p><b>Decision to be taken:</b></p> <ol style="list-style-type: none"> <li>1. To note the outcome of the Engagement exercise as set out at appendix C.</li> <li>2. To consider and agree the proposed amended design for Armada Way, to include additional tree planting within Armada Way and a revised tree planting schedule, together with the investigation of wider tree planting within the City Centre and set out at B in the report.</li> <li>3. To agree with the implementation of the final design and for the redevelopment of Armada Way to recommence without further delay.</li> </ol>
5	<p><b>Reasons for decision:</b></p> <p>The Armada Way element has been paused since 2022 November Council. At Council on the 30 January a resolution was made requiring a pause to the project until meaningful community engagement had been undertaken without causing significant delay to the project.</p> <p>Following meaningful community engagement in February this decision approves the final scheme design, revised tree planting schedule and the recommencements of works on site.</p> <p>The rational for taking this decision are provided in Appendix A and summarised as follows:</p> <ul style="list-style-type: none"> <li>- Reduces disruption of city centre events;</li> <li>- Reduces delays due to nesting birds;</li> </ul>

	<ul style="list-style-type: none"><li>- Reduces the impact of construction city centre business;</li><li>- Reduces city centre anti-social behaviour;</li><li>- Reduces impact of cost increases over time;</li><li>- Reduces the impact of inflation.</li></ul>										
6	<p><b>Alternative options considered and rejected:</b></p> <p><b>Option 1 – Abort the Armada Way project completely:</b> this was rejected as this would not be in accordance with the commitments set out in either Policy PLY6 of the adopted Plymouth and South West Devon Joint Local Plan, or the award of funding from the Department for Transport following the submission and approval of the Strategic Outline Business Case for the Transforming Cities Fund Tranche 2 of which Armada Way was a part.</p> <p><b>Option 2 – Abandon the current scheme and re-design the whole project to accommodate all or most of the existing 129 trees:</b> AND</p> <p><b>Option 3 – Revise the pre-engagement design for Armada Way to accommodate all or most of the existing 129 trees:</b></p> <p>These options were rejected as the consideration of further design options since November 2022 and including as a result of the Armada Way Engagement Programme 2023, have clearly demonstrated that the retention of all or most of the existing trees are incompatible with the other design objectives and outcomes for the project.</p> <p>Further starting the whole design process again, or making any wholesale changes or fundamental amendments to the design, is likely to result in challenges from the department of transport regarding the delivery of the scheme whilst the Assurance Review process for the Transforming Cities Fund programme is underway. It could ultimately result in funding being clawed back by the TCF where other prolonged delays in progress and spend occur.</p> <p>.</p>										
7	<p><b>Financial implications and risks:</b></p> <p>There is a risk that the funding from the Transforming Cities Fund could be lost if the project is not implemented quickly.</p>										
8	<p><b>Is the decision a Key Decision?</b> (please contact <a href="#">Democratic Support</a> for further advice)</p>	<table><tr><td>No</td><td><b>Per the Constitution, a key decision is one which:</b></td></tr><tr><td>No</td><td>in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total</td></tr><tr><td>No</td><td>in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1 million</b></td></tr><tr><td>No</td><td>is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.</td></tr></table>	No	<b>Per the Constitution, a key decision is one which:</b>	No	in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total	No	in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1 million</b>	No	is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.	
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	<p><b>If yes, date of publication of the notice in the <a href="#">Forward Plan of Key Decisions</a></b></p>	N/A									
9	<p><b>Please specify how this decision is</b></p>	The delivery of the Armada Way scheme is consistent with									



	linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:	several policies in the Plymouth Plan and the Plymouth and South West Devon Joint Local Plan.
10	Please specify any direct environmental implications of the decision (carbon impact)	The final Armada Way final design results in the loss of 129 existing trees of, in most cases, limited longevity and health. In addition the wider climate and sustainability benefits include the provision of sustainable walking and cycling improvements; the provision of a sustainable urban drainage system; an ornamental watercourse linked to the SUDs system predominately gravity powered and supplemented with solar powered electrical pumping and naturally filtered by reed beds to contribute to the biodiversity enhancements and new habitat creation; The provision of new high mast low energy street lighting using LED lanterns to replace the aging building mounted lighting infrastructure; futureproofing for the continuation of a District Heating Network; upgrading existing and provision of new and more efficient power and water services for public events use; a high quality planting scheme using 169 semi-mature trees of up to 8m height with floriferous under planting, to promote city centre biodiversity net gain in the region of 23% and contributing to greening the city centre; and reusing substantial amounts of the existing materials.

## Urgent decisions

11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes	X	(If yes, please contact Democratic Support ( <a href="mailto:democraticsupport@plymouth.gov.uk">democraticsupport@plymouth.gov.uk</a> ) for advice)
		No		(If no, go to section 13a)

## 12a Reason for urgency:

The reasons for urgency are set out at the Appendix A to this Decision.

12b	Scrutiny Chair Signature:		Date	14/03/2023
		Confirmed via email		
	Scrutiny Committee name:	Growth and Infrastructure Overview and Scrutiny Committee		
	Print Name:	Councillor John Riley		

## Consultation

13a	Are any other Cabinet members'	Yes	√	
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	portfolios affected by the decision?	No		(If no go to section 14)			
13b	Which other Cabinet member's portfolio is affected by the decision?	Councillor Mark Shayer, Deputy Leader, Finance and the Economy Councillor Jonathan Drean, Cabinet Member for Transport Councillor James Stoneman, Cabinet Member for Climate Change and Governance Councillor Bill Wakeham, Environment and Street Scene					
13c	Date Cabinet member consulted	23 February 2023					
14	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer			
		No	√				
15	Which Corporate Management Team member has been consulted?	Name	Anthony Payne				
		Job title	Strategic Director for Place				
		Date consulted	01 March 2023				
<b>Sign-off</b>							
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DSI 17 22/23				
		Finance (mandatory)	DJN.22.23.402				
		Legal (mandatory)	EJ/1098/14.2.23(1)				
		Human Resources (if applicable)	N/A				
		Corporate property (if applicable)	N/A				
		Procurement (if applicable)	N/A				
<b>Appendices</b>							
17	Ref.	Title of appendix					
	A	Reasons for Urgency					
	B	Armada Way Executive Decision Briefing Note					
	C	Armada Way Engagement Report					
	D	Equality Impact Assessment					
<b>Confidential/exempt information</b>							
18a	Do you need to include any confidential/exempt information?	Yes		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for			



		No	✓	publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below.  (Keep as much information as possible in the briefing report that will be in the public domain)				
		<b>Exemption Paragraph Number</b>						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title:							
<b>Background Papers</b>								
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 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</p>							
<b>Title of background paper(s)</b>		<b>Exemption Paragraph Number</b>						
		1	2	3	4	5	6	7
22/01549/MOR Armada Way Public Realm Enhancement Works Pre-Application Advice								
City Council - Monday 30 January 2023 2.00pm Minutes and Committee Reports								
City Council – Monday 21 November 2022 2.00pm Minutes and Committee Reports								
Growth and Infrastructure Overview and Scrutiny Committee Monday 10 October 2022 5.30pm Minutes and Committee Reports								
<b>Cabinet Member Signature</b>								
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>							
<b>Signature</b>		<i>Richard Bringley</i>		<b>Date of decision</b>		14 March 2023		

<b>Print Name</b>	Councillor Richard Bingley, Leader of Plymouth City Council
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