

EXECUTIVE DECISION

made by a Cabinet Member




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

Executive Decision Reference Number – L19 24/25

Decision	
1	Title of decision: Plymouth and South Devon Freeport: A38 Deep Lane Pedestrian Cycle Bridge
2	Decision maker: Councillor Tudor Evans OBE, Leader of the Council
3	Report author and contact details: Catherine Parnall E: Catherine.parnall@plymouth.gov.uk
4	<p>Decision to be taken:</p> <ol style="list-style-type: none"> To agree to allocate £4,019,000 of Freeport Seed Capital Funding into the Capital Programme for the build and installation of a Pedestrian/Cycle Bridge at the Deep Lane Junction of the A38. To authorise the Section 151 Officer to approve relevant funding claims up to the total Seed Capital amount of £4,019,000 as listed above.
5	<p>Reasons for decision:</p> <p>Plymouth City Council is the Accountable Body which will receive and allocate the seed capital to support the delivery of the Freeport Annual Plan. The Accountable Body is responsible for the effective programme management of the Seed capital programme pipeline; which includes the technical appraisal of individual business cases for Seed Capital projects.</p> <p>The decision is necessary in order to meet timeframes set by Department for Levelling Up, Housing & Communities (DLUHC) in order to deliver the proposed activities and spend the funds accordingly and in time.</p> <p>A bridge across the A38 was included within the PASDF Full Business case to enable pedestrian and cycle access to the Langage and Sherford Tax Sites from both communities. Located parallel to an existing overbridge, its aim is to enable safe crossing of the A38 at Deep Lane Junction for pedestrians and cyclists. As an important contribution to the Freeport's Net Zero ambitions, it will facilitate sustainable access between employment sites and residents living in Sherford and Plympton and link into the National Cycle Network. Since inception though, the detailed design works have identified that the construction costs are now higher than anticipated. The original seed capital amount was £3.169m, which has now risen to the amount of £4.019m as shown above.</p> <p>A further Project Change Request has been prepared to reallocate £850,000 of seed capital from another scheme to plug this gap.</p>
6	<p>Alternative options considered and rejected:</p> <ol style="list-style-type: none"> Do nothing: Without the intervention there would be no way to provide pedestrian and cycle access from the communities on either side of the A38 to the Langage and Sherford Tax sites. The Net Zero commitments would not be delivered.
7	Financial implications and risks: The funding is received from Government for the purpose of delivering the Seed Capital Freeport funding and is underpinned by a Memorandum of Understanding

	<p>and further funding agreements that binds Plymouth City Council and Partners within the Freeport delivery governance into an agreement with the Department for Levelling Up, Housing & Communities (DLUHC) and further funding agreements between the Accountable Body and projects outlining that the funds are shouldered by the applicant as such is contractually obliged to deliver and spend according to the Fund parameters and requirements.</p> <p>Projects are subject to Accountable Body processes involving but not limited to procurement regulations, monitoring and governance, as such, failure to follow requirements from either the Accountable Body or DLUHC runs the risk of remedial action. We will maintain robust programme management protocols through regular monitoring and review to ensure that the projects are delivered within the grant terms and conditions. Remedial action will be taken where necessary.</p>			
8	<p>Is the decision a Key Decision? (please contact Democratic Support for further advice)</p>	Yes	No	<p>Per the Constitution, a key decision is one which:</p>
		x		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
			x	in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million annually
			x	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.
	<p>If yes, date of publication of the notice in the Forward Plan of Key Decisions</p>	03/07/2023		
9	<p>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>	<p>This decision can be linked to the Plymouth Plan Growing City and International City as well as other frameworks including the Climate Emergency Action Plan. This decision would be directly linked to the capital budget and will be managed and monitored in accordance with Plymouth City Council processes</p>		
10	<p>Please specify any direct environmental implications of the decision (carbon impact)</p>	<p>Creating a carbon management plan that adheres to PAS 2080 requirements and setting embodied carbon targets.</p> <p>Recording project carbon emissions and providing this information to PASD Freeport.</p> <p>Optimising site deliveries / logistics to reduce carbon emissions during construction phase.</p> <p>Specifying and requiring lower carbon materials where possible.</p> <p>Ensuring that Biodiversity Net Gain is embedded in planning application process.</p>		
Urgent decisions				
11	<p>Is the decision urgent and to be implemented immediately in the interests of the Council or the</p>	Yes		<p>(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)</p>

	public?	No	<input checked="" type="checkbox"/>	(If no, go to section I3a)
I2a	Reason for urgency:			
I2b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
Consultation				
I3a	Are any other Cabinet members' portfolios affected by the decision?	Yes		
		No	<input checked="" type="checkbox"/>	(If no go to section I4)
I3b	Which other Cabinet member's portfolio is affected by the decision?			
I3c	Date Cabinet member consulted			
I4	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer
		No	<input checked="" type="checkbox"/>	
I5	Which Corporate Management Team member has been consulted?	Name	Karime Hassan	
		Job title	Interim Strategic Director for Growth	
		Date consulted	12 September 2024	
Sign-off				
I6	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS53 24/25	
		Finance (mandatory)	CH.24.25.029	
		Legal (mandatory)	LS.2333.kt.120924	
		Procurement (if applicable)		
		Corporate property (decisions involving Council owned land or facilities) (if applicable)		
		Human Resources (if applicable)		
Appendices				
I7	Ref.	Title of appendix		

	A	Part I Supporting Summary Report						
	B	Equalities Impact Assessment						
	C	Climate Impact Assessment						
Confidential/exempt information								
18a	Do you need to include any confidential/exempt information?	Yes	<input checked="" type="checkbox"/>	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. (Keep as much information as possible in the briefing report that will be in the public domain)				
		No	<input type="checkbox"/>					
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title: Part II Business Case			<input checked="" type="checkbox"/>				
Background Papers								
19	Please list all unpublished, background papers relevant to the decision in the table below. 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.							
Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
Cabinet Member Signature								
20	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 (2010) and those who do not. For further details please see the EIA attached.							
Signature			Date of decision	1 st October 2024				
Print Name	Councillor Tudor Evans OBE (Leader of the Council)							