

# EXECUTIVE DECISION

made by a Council Officer



## REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL COUNCIL OFFICER

Executive Decision Reference Number – COD39 24/25

Decision	
1	<b>Title of decision:</b> Trefusis Park Flood Relief Scheme Main Construction Contract
2	<b>Decision maker:</b> Paul Barnard (Service Director for Strategic Planning & Infrastructure)
3	<b>Report author and contact details:</b> Sarah Durbridge (Civil Engineer) Tel: 01752 308681 Email: sarah.durbridge@plymouth.gov.uk
4a	<b>Decision to be taken:</b>  1. To approve the award of contract for the Trefusis Park Flood Relief Scheme to Kier Integrated Services Ltd under NEC4 ECC Option C (target price) for a total value of £2,756,718.69. In addition, the contract award should include an allowance for Compensation Events / essential variations, up to the approved project budget.
4b	<b>Reference number of original executive decision or date of original committee meeting where delegation was made:</b>  L40 24/25 - Lipson Vale Phase I Trefusis Park Flood Defence (Trefusis Park Flood Relief Scheme)
5	<b>Reasons for decision:</b>  The Trefusis Park Flood Relief Scheme is the first phase of a wider flood risk management project in the Lipson / Laira area, designed to provide storage for surface water during storm events, to reduce flood risk and storm overflow spills, and to create environmental enhancement. The surface water storage within the Park will also allow South West Water to separate surface water out of the combined system upstream, thereby increasing capacity in the combined sewerage system and further reducing flood and sewerage spill risk.  Once construction of the Scheme completes, 21 properties will be better protected from surface water flooding. This number will increase to 147 once South West Water have completed their upstream works, with an estimated reduction in flood damages over the design life of the scheme (estimated by the Environment Agency) of £12.4M.  The Scheme and combined works will also: <ul style="list-style-type: none"> <li>• reduce the frequent disruption of the movement of traffic along the B3214 (Lipson Vale) between eastern suburbs and Plymouth city centre, including five bus routes</li> <li>• reduce the ongoing disruption to the education of 1,400 children attending Lipson Vale Primary School and Lipson Co-operative Academy</li> <li>• reduce the risk of Combined Sewer Overflow (CSO) spills, with associated bathing water quality improvement in the River Plym</li> <li>• reduce the risk of sewerage pollution in the River Plym</li> <li>• provide habitat improvement, including improvements to 0.1Ha of grassland and a biodiversity net gain of at least 10%</li> </ul>

- provide significant amenity improvements, including improved cycling and walking provision
- provide additional capacity in the combined drainage and sewage network for new development

The contract will be awarded to Kier Integrated Services Ltd (“Kier”) under the Environment Agency’s Collaborative Delivery Framework. Under the Framework, Kier are the only appointed Lot 2 supplier for the South West.

Kier have been robustly assessed by Plymouth City Council by reference to their submitted price, Programme, Risk Register, and Clarifications and Exclusions and have found to be a suitable and sufficiently experienced contractor to deliver this project.

**6 Alternative options considered and rejected:**

The following two options have previously been considered and rejected:

**a. Original design option**



This design option was considered by members and officers in July 2023. It was rejected on grounds that it would have required approximately 100 trees to be removed, which was felt to be at odds with the environmental focus of the project.

**b. Hybrid design option between “Original” design and “Minimum Trees Removed” option**



This hybrid option was rejected by members and officers in January 2024. This was because it was the most expensive option and also would still have required the removal of 44 trees, again at odds with the environmental focus of the project.


	<p>The following further three options were considered and discounted as part of the full business case submitted to the Environment Agency:</p> <p><b>c. Do Nothing Option: Do statutory minimum – Cease all expenditure (capital and revenue), undertake no further flood risk management activities and walk away</b></p> <p>This option was discounted because not investing in the improved management of flooding in this area will result in the ongoing chronic flooding of homes and businesses in Lipson Vale. With climate change, the frequency of flooding will increase, resulting in properties becoming unviable and, therefore, abandoned. This will inevitably result in significant social issues related to negative equity, loss of livelihood and homelessness. Decaying abandoned properties would also be a significant blight on the wider area’s economic activity.</p> <p><b>d. Do Minimum Option: Clean and rehabilitate the existing system</b></p> <p>This option was also discounted because not investing in the improved management of flooding in this area will result in the ongoing chronic flooding of homes and businesses in Lipson Vale. With climate change, the frequency of flooding will increase, resulting in properties becoming unviable and, therefore, abandoned. This will inevitably result in significant social issues related to negative equity, loss of livelihood and homelessness. Decaying abandoned properties would also be a significant blight on the wider area’s economic activity.</p> <p><b>e. Viable Alternative Option: All phases – Trefusis Park Flood Relief Scheme plus additional 95Ha of surface water separation, 1.3km sewer upsize and pumping station at outfall</b></p> <p>This is a long-term aspiration for the PCC, EA and South West Water (SWW) Integrated Urban Drainage Modelling (IUDM) project but is currently unaffordable.</p>
7	<p><b>Financial implications and risks:</b></p> <p>The budget for the Trefusis Park Flood Relief Scheme, as defined in the Capital Business Case as £3,784,658, was approved by the Leader on 12 February 2025. This budget will cover the initial value of the award to Kier plus an allowance for Compensation Events / essential variations.</p> <p>As this Scheme is fully funded by the Environment Agency and the Devon Resilience Innovation Project and there is no corporate borrowing, it will not affect the Medium-Term Financial Plan.</p> <p>Required PCC staff resources, including the Engineering Design Group who have designed and will deliver the Scheme, have been costed within the project budget.</p> <p>The key identified risks are:</p> <ul style="list-style-type: none"> <li>• unauthorised occupation of the site or the compound</li> <li>• ineffective temporary surface water management works</li> <li>• UXO unearthed on site</li> <li>• public or political pressure requiring the number of tipper lorries to be restricted per day</li> <li>• contaminated land and materials being identified as more hazardous than anticipated</li> <li>• unavailability of materials</li> </ul>
8	<p><b>Legal Implications and risks:</b></p> <p>None.</p> <p>The Council as a risk management authority is able to take advantage of the EA framework and has signed a user agreement with the EA.</p>

9a	<p><b>Is the decision a Key Decision?</b> (please contact <a href="#">Democratic Support</a> for further advice)</p>	Yes	No	<p><b>Per the Constitution, a key decision is one which:</b></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/> 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</p> <p><input checked="" type="checkbox"/> 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>, annually</p> <p><input checked="" type="checkbox"/> 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.</p>
9b	<p><b>If yes, date of publication of the notice in the <a href="#">Forward Plan of Key Decisions</a></b></p>	N/A		
10	<p><b>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:</b></p>	<p>The Scheme will deliver the following Corporate Plan priorities:</p> <ul style="list-style-type: none"> <li>• Keeping children, young people and families safe,</li> <li>• Green investment, jobs, skills, and better education</li> <li>• Spending money wisely</li> <li>• Focussing on prevention and early intervention</li> </ul> <p>The Scheme will support the Plymouth Plan and the Joint Local Plan. Full details are set out in the accompanying Briefing Note, but in summary:</p> <p><u>Plymouth Plan</u></p> <ul style="list-style-type: none"> <li>• Plymouth as a healthy city</li> <li>• Plymouth as a growing city</li> <li>• Plymouth as an international city</li> </ul> <p><u>Joint Local Plan</u></p> <ul style="list-style-type: none"> <li>• SO12 (Delivering infrastructure and investment):</li> <li>• SPT1 (Delivering sustainable development):</li> <li>• SPT2 (Sustainable linked neighbourhoods and sustainable rural communities):</li> <li>• SPT10 (Balanced transport strategy for growth and healthy and sustainable communities):</li> <li>• SPT12 (Strategic approach to the natural environment):</li> <li>• SPT13 (Strategic infrastructure measures to deliver the spatial strategy):</li> <li>• DEV1 (Protecting health and amenity):</li> <li>• DEV2 (Air, water, soil, noise, land and light):</li> <li>• DEV20 (Place shaping and the quality of the built environment):</li> <li>• DEV23 (Landscape character):</li> </ul>		

		<ul style="list-style-type: none"> <li>• DEV26 (Protecting and enhancing biodiversity and geological conservation):</li> <li>• DEV27 (Green and play spaces):</li> <li>• DEV28 (Trees, woodlands and hedgerows):</li> <li>• DEV32 (Delivering low carbon development):</li> <li>• DEV 35 (Managing flood risk and water quality impacts):</li> </ul> <p>The Scheme also supports the Local Flood Risk Management Strategy, the Green Minds model and SWW’s plans for the city. Full details are set out in the attached Briefing Note.</p>
II	<p><b>Please specify any direct environmental implications of the decision (carbon impact)</b></p>	<p><b>Climate impact assessment summary</b></p> <p>The climate impact assessment is attached to the report (ID TRE166). In summary, the Scheme will provide surface water storage and improve the facilities within Trefusis Park. Most of the outputs are positive with long-term benefits. Where there is no or neutral impact, there is mitigation. For example, for air quality, construction methods will seek to dampen down and control dust created. Following construction, the additional tree planting could help to improve air quality. The Scheme has no renewable energy elements.</p> <p><b>Specific environmental benefits provided by the Scheme</b></p> <p><u>Properties better protected from flooding</u></p> <p>When the Scheme completes, 21 properties will be better protected from flooding. All the relevant households sit within the 21% to 40% most deprived areas of the country.</p> <p>Once surface water separation works are completed upstream of Trefusis Park by South West Water, the number of properties better protected from flooding will increase to 147 (SWW cannot undertake their surface water separation works if our Scheme does not proceed).</p> <p><u>Carbon</u></p> <p>The carbon footprint of the Scheme is the lowest of the options that satisfactorily achieves the Environment Agency’s Critical Success Factors. The net carbon outcome of the project has been assessed by the Environment Agency as “Moderate sink” due to the creation of wetland, and riparian planting.</p> <p><u>Biodiversity Net Gain (BNG)</u></p> <p>The Scheme will deliver BNG of at least 10%. Biodiversity improvements will include:</p> <ul style="list-style-type: none"> <li>• Two landscaped SuDS seasonal wetland basins</li> <li>• Naturalising the watercourse that is currently within a concrete channel</li> <li>• New landscaping and tree planting</li> </ul>

		<ul style="list-style-type: none"> <li>• New permanent wet ecology pond</li> <li>• New hedgerow down the eastern edge of the park to prevent unauthorised vehicular access to the park (something that has previously been an issue)</li> <li>• New wildflower meadow areas</li> </ul> <p><u>Improvements to grassland</u></p> <p>0.1 Ha of “Grassland” in “poor” condition before the Scheme will move to “wetlands/wet grassland” in “moderate” condition after construction of the Scheme.</p> <p><u>Water quality improvement</u></p> <p>There will be a reduction in the volume of surface water entering the combined drainage network, thereby reducing CSO spills. This will result in water quality improvement in the River Plym and a reduction in the amount of energy used to treat wastewater (carbon saving).</p>	
<b>Urgent decisions</b>			
12a	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes	(If yes, please contact <a href="#">Democratic Support</a> for advice)
		No	x (If no, go to section 13a)
12b	Reason for urgency:		
12c	Scrutiny Chair signature:		Date
	Scrutiny Committee name:		
	Print Name:		
<b>Consultation</b>			
13a	Which Cabinet Member’s portfolio does this decision relate to?	Councillor Tom Briars-Delve (Cabinet Member for Environment and Climate Change)	
13b	Date Cabinet Member consulted	Regularly briefed including: 2023: June, July, October 2024: January, February, May, August, November 2025: January	
13c	Are any other Cabinet members’ portfolios affected by the decision?	Yes	
		No	x (If no go to section 14)
13d	Which other Cabinet member’s	N/A	

	<b>portfolio is affected by the decision?</b>								
<b>13e</b>	<b>Date other Cabinet member(s) consulted</b>		N/A						
<b>14</b>	<b>Has any Cabinet member declared a conflict of interest in relation to the decision?</b>		<b>Yes</b>		If yes, please discuss with the Monitoring Officer				
			<b>No</b>	<b>x</b>					
<b>15</b>	<b>Which Corporate Management Team member has been consulted?</b>		<b>Name</b>		Paul Barnard				
			<b>Job title</b>		Service Director, Strategic Planning & Infrastructure				
			<b>Date consulted</b>		Regularly consulted through the project				
<b>Sign-off</b>									
<b>16</b>	<b>Sign off codes from the relevant departments consulted:</b>		<b>Democratic Support (mandatory)</b>			DS120 24/25			
			<b>Finance (mandatory)</b>			OW.24.25.063			
			<b>Legal (mandatory)</b>			LS/00001312/1/AC/24/3/25			
			<b>Human Resources (if applicable)</b>			N/A			
			<b>Corporate property (if applicable)</b>			N/A			
			<b>Procurement (if applicable)</b>			SN/PS/778/ED/0325			
<b>Appendices</b>									
<b>17</b>	<b>Ref.</b>	<b>Title of appendix</b>							
	A	Briefing report for publication							
	B	Equalities Impact Assessment - L40 24/25							
	C	Climate Impact Assessment - L40 24/25							
<b>Confidential/exempt information</b>									
<b>18a</b>	<b>Do you need to include any confidential/exempt information?</b>		<b>Yes</b>	<b>x</b>	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 <b>18b</b> below.				
			<b>No</b>						
			<b>Exemption Paragraph Number</b>						
			<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>18b</b>	<b>Confidential/exempt briefing report title:</b>								
	Procurement Decision Record				<b>x</b>				

Background Papers							
<b>19</b>	<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>						
Title of background paper(s)		Exemption Paragraph Number					
		1	2	3	4	5	6
Council Officer Signature							
<b>20</b>	<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>				<b>Date of decision</b>	27.3.25		
<b>Print Name</b>	Paul Barnard, Service Director, Strategic Planning & Infrastructure						