

LOCAL GOVERNMENT ACT 2000

REGISTER OF URGENT
DECISIONS OF THE EXECUTIVE

NORTH DEVON COUNCIL CONSTITUTION
– Appendix 12



Reference No: 2017/04

1) SUBJECT: Site Investigation Work at Seven Brethren

2) REQUESTED DECISION:

To authorise spend of an additional £25,000 to enable the appointment of a specialist contractor to carry out intrusive Phase 2 Site Investigation work at Seven Brethren covering both Leisure Centre and wider site areas.

3) STATEMENT OF THE REASONS FOR THE REQUEST AND WHY IT IS URGENT:

The relocation of the Barnstaple Fair site to the backland at Seven Brethren is a key priority in the Barnstaple regeneration programme.

As well as being the site of an earlier course of the River Taw and later a flood plain, much of Seven Brethren was a municipal waste site for many years. As such we know that the ground conditions are poor, and inconsistent, and previous developments have required significant piling. Costs to mitigate known issues with methane are as yet unknown.

The Site Investigations will cover the Leisure Centre site and the wider development area, including the site now earmarked for use by Barnstaple Fair. The results of the investigations will influence both values and delivery timescales. To take the project forward is it important to understand any constraints.

Site Investigations will be a requirement of any planning application, and may influence design layout. The planning application for the Leisure Centre is imminent with a deadline for delivery associated with the expiry of the existing operating contract. Any mitigation that is required will come at a cost and this should be understood to ensure that anticipated values are realistic, before decisions are taken on delivery.

CGL have recently carried out a Phase 1 Desk Top Study of the site, and the findings from this have been taken into account when arriving at the recommendations for undertaking the Phase 2 intrusive investigation and assessment.

Seven Brethren is a large and complex site covering approximately 13 hectares of made up ground, with varying historic and existing uses. The area has been subject to previous intrusive investigations and CGL have collated these results and are

familiar with the ground conditions where known. Previous gas monitoring has recorded varied concentrations with locally elevated methane and carbon dioxide concentrations associated with the former use as a waste tip.

CGL will carry out intrusive investigations, laboratory analysis, and provide a Geoenvironmental and Geotechnical Interpretative Report which will include recommendations for foundations, access roads/paving and specifications for buried concrete. They would be able to complete this work within a maximum period of two months, for an estimated fee of £39,660.

4) FINANCIAL IMPLICATIONS: (NOTE: Please state if there are any financial implications. If so, state if there are sufficient funds within the agreed budget. If there are not sufficient funds, please state how the decision will be financed)

An additional £25,000 is required to fund Site Investigation work at the Seven Brethren site. If approved this could be made available from the Executive Contingency Reserve.

5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

Do nothing (the planning application for the Leisure Centre will be delayed and the values of the development site significantly reduced because of the associated unknown risk).

Appoint another consultant following a procurement process (any other consultant will need to familiarise themselves with the site and the existing substantial body of work causing delay)

6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED:

None

7) A NOTE OF ANY DISPENSATION IF GRANTED:

None

8) THE CONSENT OF THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE WAS OBTAINED ON:

22nd May 2017.

9) LIST OF BACKGROUND PAPERS (but not including published works or those which disclose exempt or confidential information (as defined in rule 10 of appendix 15 (Access to Information Procedural Rules) and the advice of a political advisor):

- Executive Report Seven Brethren redevelopment Approach 5 January 2016

10) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

| Consultee | Consulted Yes/No | Date |
|---------------------------------|---------------------|------|
| Executive Member | | |
| Ward Member(s) | | |
| Chief Executive Mike Mansell | | |
| Head of Service (name) as above | | |
| Legal | | |
| Finance | | |

11) APPROVED BY DECISION TAKER



Councillor Des Brailey MBE, Leader

12) NOT APPROVED BY DECISION TAKER

13) DATE THAT DECISION WAS TAKEN:

23rd May 2017

GUIDANCE NOTES

NOTE: ALL REFERENCES TO SUB-PARAGRAPHS REFER TO APPENDIX 12 OF THE CONSTITUTION

PROCEDURE FOR DECISIONS WHICH MAY BE CONTRARY TO ADOPTED PLANS AND STRATEGIES (INCLUDING THE BUDGET):

1. The Chief Executive must notify the Leader/Deputy Leader/Other Executive Member.
2. The Leader/Deputy Leader/Other Executive Member must approve the use of the procedure and notify the Chief Executive of his approval together with his reasons.
3. The Chief Executive must notify the Chairman of the Overview and Scrutiny Committee or if unable to act the Chairman of Council or if absent the Vice-Chairman to seek his determination as to whether the conditions detailed in paragraph 1.1 (b) (i), (iii) or (iv) are satisfied.
4. The Chairman of the Overview and Scrutiny Committee or if unable to act the Chairman of Council or if absent the Vice-Chairman, must confirm to the Chief Executive in writing that the proposed decision is urgent and that either of the conditions identified in paragraph 1.1 (b) (iii) or (iv) have been satisfied, the Chief Executive shall advise the Leader, Deputy Leader or other member of the Executive that the decision may be taken by a person or body possessing a relevant power to make such a decision.
5. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).

PROCEDURE FOR DECISIONS WHICH ARE WITHIN THE ADOPTED PLANS AND STRATEGIES (AND CAN NOT BE INCLUDED IN THE FORWARD PLAN):

1. If the Chief Executive considers that the conditions in sub-paragraph 2.1 are satisfied, he must notify the Proper Officer of the need for the decision, the reasons why it was impracticable for it to be included in the Council's Forward Plan, and whether or not the decision is required to be taken within five working days.
2. On receiving the notification, under sub-paragraph 2.3 and where satisfied that no decision is required to be taken for five working days, the Proper Officer shall:
 - (a) notify in writing the Chairman of the Overview and Scrutiny Committee or if there is no such person, each Member of the Overview and Scrutiny Committee, with particulars of the proposed decision, the

reasons for its urgency and the reasons for it being impracticable to include in the Council's Forward Plan;

- (b) make available for public inspection at the Council offices a copy of the written notice given to the Chairman of the Overview and Scrutiny Committee about the decision.

3. Decisions to which sub paragraph 2.4 applies, shall not be made until after five working days have elapsed following publication of the proposed decision under 2.4 (b) of Appendix 12 in the Constitution.

4. Where it appears to the Chief Executive that an urgent decision-

- (a) meets the requirements of sub-paragraph 2.1 of Appendix 12 of the constitution; and
- (b) because of the urgency cannot be deferred for five working days,

he shall seek the agreement and confirmation in writing on both those points from-

- (c) the Proper Officer; and
- (d) the Chairman of the Overview and Scrutiny Committee or in his absence the Chairman of Council or if there is no Chairman the Vice-Chairman of Council;

and the person or body possessing a relevant power to make the decision may proceed to make it only when the necessary agreement and confirmation have been obtained.

5. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).