

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:	2612
Author:	Eddie Curry
Department:	Communities
Contact:	Eddie Curry (Job Title: Head of Parks, Open Spaces and Investment Funding, Email: eddie.curry@nottinghamcity.gov.uk, Phone: 01158764982)
Subject:	European Regional Development Fund Priority Axis 6 - Preserving and Protecting the Environment; Derby and Nottingham Metro Biodiversity Project.
Key Decision (decision valued at more than £1million):	Yes
Key Decision (decision affects 2 or more wards):	Yes
Total Value:	£7,822,530 (Type: Capital and Revenue)
Decision Being Taken:	<p>Approval is required to:-</p> <p>Submit the Stage Two European Regional Development Fund Priority Axis 6 (ERDF PA6) - Preserving and Protecting the Environment; Derby and Nottingham Metro Biodiversity Project Bid as detailed in Appendix 1.</p> <p>For Nottingham City to act as the accountable body and provide project management for the project.</p> <p>To extend the capital programme to reflect the income and expenditure detailed in the finance comments.</p> <p>To delegate authority to the Director of Sport and Culture to procure and enter into contracts relating to the programme of works.</p> <p>To delegate authority to the Director of Sport and Culture to establish and manage a project board comprising of all the partner authorities and organisations</p>
Reasons for the Decision(s)	The decision is required in order to submit the ERDF PA6 Derby and Nottingham Metro Biodiversity Project bid and to ensure that sufficient project management governance arrangements are put in place to deliver the programme of works in Derby, Nottingham and in Rushcliffe and Ashfield.

**Briefing notes documents:** Appendix 1 - ERDF PA6 Derby and Nottingham Metro Biodiversity Project Bid.docx

**Other Options Considered:** Not to submit the ERDF PA6 Derby and Nottingham Metro Biodiversity Project Bid has been rejected as this option would not allow the programme of works to be funded and it would significantly miss the opportunity to drive forward the strategic aims and objectives of the metro strategy and joint working opportunities with Derby City Council, Nottinghamshire County Council and the Nottinghamshire Wildlife Trust.

**Background Papers:**

**Unpublished background papers:** Appendix 1 - ERDF PA6 Derby and Nottingham Metro Biodiversity Project Bid.docx

**Published Works:** ERDF PA6 Derby and Nottingham Metro Biodiversity Project Bid  
ERDF PA6 Derby and Nottingham Metro Biodiversity Project Bid Financial details

**Affected Wards:** Citywide

**Colleague / Councillor Interests:**

**Consultations:** Date: 15/09/2016  
Ward Councillors: David Trimble, Jane Urquhart  
Cllr Urquhart has been consulted on the ERDF / Levy bids in her role as co-chair of the Trent Regional Flood and Coastal Committee (RFCC) Finance Sub Group (FSG)15,9,2016. Cllr Trimble has been consulted and supports the proposed bid, 13,9,2016

Those not consulted are not directly affected by the decision.

**Crime and Disorder Implications:** The projects will enhance the quality and management of the local environment. As a result the projects will help to remove grot spots and help remove / reduce the fear of crime and disorder.

**Equality:** EIA not required. Reasons: The projects has no significant / adverse impact on service delivery as the improvements will be focused on improving access and the quality of the local environment.

<b>Social Value Considerations:</b>	The project will require the recruitment of a fixed term project manager post. the post will be fully funded from the ERDF and other external match funding.
<b>Relates to staffing:</b>	Yes
<b>Relates to Council Property Assets:</b>	Yes
<b>Decision Type:</b>	Leader's Key Decision
<b>Subject to Call In:</b>	Yes
<b>Call In Expiry date:</b>	07/10/2016
<b>Advice Sought:</b>	Legal, Finance, Procurement, Human Resources, Other: Aidan Jackson; Mark Fiander(aidan.jackson@nottinghamcity.gov.uk; mark.fiander@nottinghamcity.gov.uk)
<b>Legal Advice:</b>	There are no significant legal implications arising out of the proposals set out in the report and on the basis of the position outlined it is supported. Advice provided by Malcolm Townroe (Legal Services Manager) on 14/09/2016.
<b>Finance Advice:</b>	Please see separate document Advice provided by Maria Balchin (Finance Analyst) on 19/09/2016. Advice documents: Preserving & Protecting the Environment finance comments.docx
<b>Procurement Advice:</b>	For any contracts that need to be let then the Procurement Team will assist with the tendering process to ensure that fully compliant value for money contracts are entered into. Advice provided by Paul Ritchie (Lead Procurement Officer) on 13/09/2016. Advice provided by Paul Ritchie (Lead Procurement Officer) on 21/09/2016.
<b>HR Advice:</b>	There are no HR implications at this stage. At a later point a decision will need to be made to ensure human capital resources are established towards successful implementation.  Any new posts created such as for example 'Project Manager' should follow internal resourcing procedures. Management must ensure they have an exit strategy in place to terminate any fixed term contract if applicable. Advice provided by Anya Vidot (Service Redesign Consultant) on 13/09/2016.

**Other Advice:**

**This bid is in response to an open call from D2N2 LEP for projects to improve the biodiversity of a number of habitats across the area thus making it a more attractive area to live, work and play in. The funding on offer will enable us to bring some schemes forward and add additional value to others. This bid aligns with the Metro strategy and involves three partners, Derby City Council, Nottinghamshire County Council and Nottinghamshire Wildlife Trust . It demonstrates the strength of us all working together. This project improves the green infrastructure that supports the economy of D2N2.**

**Aidan Jackson**

**Bidding and Funding Unit Manager**

**aidan.jackson@nottinghamcity.gov.uk**

**Tel: 0115 8763150**

**Advice provided on 13/09/2016.**

**Property Advice:**

Comments are in relation to four sites at Bobbers Mill Bridge Industrial Estate, Bobbers Mill Bridge - Land Adjacent to Industrial Estate, Wilkinson Street and Vernon Road only.

NCC, as funding applicant, will need to have control or ownership of the land required to implement the project on land within its area. Each of the four sites mentioned above is currently owned by private companies and is in an area of high flood risk. Wilkinson Street and Vernon Road are largely cleared and have been vacant for many years. Both sites at Bobbers Mill are part occupied by industrial units. We understand all four sites suffer from contamination to a greater or lesser extent. This, combined with the high flood risk, has a negative impact on commercial viability. All sites are being marketed, or have previously been marketed with a view to them being redeveloped but to date no viable scheme has materialised.

Discussions are underway with most of the landowners or their agents with a view to explaining the nature of the application, the works/scheme and the necessity of NCC acquiring an interest over part of their land as required.

It is intended that each landowner remediates their sites and then transfers the freehold interest in the land required for flood mitigation and biodiversity at nil cost to NCC, with guarantees from each landowner dealing with future pollution liabilities and money to cover maintenance for a number of years. NCC will use funding available to implement flood mitigation and biodiversity measures on the land that has been transferred and the owners can then develop the remaining parts of their sites. NCC will need to agree access arrangements for future repair and maintenance.

Full title searches and site investigation surveys will be required prior to NCC completing any acquisitions.

NCC will need to consider alternative approaches if it is not possible to reach the appropriate agreements with the owners. This could result in removing some or all of the sites from the project having an impact on spend profile and project outcomes.

NCC should not be expected to pay for and maintain land/infrastructure that is currently in private ownership. The existing owners have current and future liabilities. In any event the project works are likely to make the sites more developable/viable, subject to contamination issues being addressed. As a result robust advise on State Aid will be obtained.

There are considerable risks associated with the proposals for the four sites - including but not limited to contamination, flooding, acquisition costs, ongoing liabilities and lack of certainty of successfully concluding satisfactory agreements to acquire the required land interests in time for the project. NCC will need to address all of these ensuring that it does not take on any liability, risk or cost relating to future ownership and maintenance. This can, in part, be addressed by entering into the proposed agreements with landowners. NCC should resist acquiring the wider sites, or any future liabilities around the land to be acquired to implement the project.

**Mona Walsh**  
Principal Surveyor - Community Portfolio  
Direct Line: 0115 876 4507 Email: mona.walsh@nottinghamcity.gov.uk

**Signatures:**

**Jon Collins (Leader of the Council)**  
**SIGNED and Dated: 30/09/2016**

**Andrew Vaughan (Corporate Director Commercial and Operations)**

**SIGNED and Dated: 23/09/2016**