

CABINET – 27 June 2013

EXECUTIVE SUMMARY OF AGENDA ITEM 12

Report title: Redcliffe Way Delivery Partnership
Wards affected: Cabot, Lawrence Hill
Strategic Director: Robert Orrett, Strategic Property
Report Author: Sarah O'Driscoll, Service Manager Strategic Planning

RECOMMENDATION for the Mayor's approval:

1. To approve the establishment of a Delivery Partnership between Bristol City Council and the Redcliffe Neighbourhood Development Forum.
2. To endorse the application of £20,000 from the central contingency fund to support the initial establishment of the Delivery Partnership and its functioning over the period 1st July 2013 to 31st March 2015. Future financial support for the Delivery Partnership is anticipated by Bristol City Council to be derived from borrowing against anticipated development receipts..
3. To approve the function of the Joint Delivery Board in proposing land disposal terms and phasing.

Key background / detail:

a. Purpose of report:

To provide the background and context for the proposed establishment of a formally constituted Delivery Partnership between Bristol City Council, and the Redcliffe Neighbourhood Development Forum.

b. Key details:

1. The Redcliffe Neighbourhood Development Forum has been designated as a Neighbourhood Planning Forum by the Council to prepare a Neighbourhood Development Plan (and potentially neighbourhood Development Orders) for the Redcliffe Way area. The Neighbourhood Planning Forum has sought to work with the Council through the mechanism of a joint Delivery Board to secure delivery of the proposals of the confirmed Redcliffe Neighbourhood Development Plan.
2. The Council is the key land owner in the area and as such will need to be closely involved in the preparation of the Neighbourhood Development Plan if the proposals are to be deliverable.

3. The Delivery Board will make proposals for the phased release of land in accordance with the confirmed Neighbourhood Development Plan. Any decisions affecting the development or the release of Council owned land and property, will be taken by the Mayor. The functions and the proposed structure of the Delivery Board are set out in Appendix 1, which has been prepared jointly by Redcliffe Neighbourhood Development Forum and Council Officers.

4. Preparation of the Neighbourhood Development Plan has begun and consultation on initial aims and objectives was undertaken in February 2013. The RNDF anticipate the publication of aims and objectives for comment in the summer with an early draft options version of the NDP in the autumn 2013. The Delivery Board would initiate formal meetings to progress delivery opportunities as soon as approval is confirmed.

AGENDA ITEM 12

BRISTOL CITY COUNCIL CABINET 27 June 2013

REPORT TITLE: Redcliffe Way Delivery Partnership

Ward(s) affected by this report: Cabot, Lawrence Hill

Strategic Director: Robert Orrett
Service Director Strategic Property

Report author: Sarah O'Driscoll
Service Manager Strategic Planning

Contact telephone no. & e-mail address: 0117 903 6722
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Purpose of the report:

To provide the background and context for the proposed establishment of a formally constituted Delivery Partnership as initially proposed between Bristol City Council, and the Redcliffe Neighbourhood Development Forum.

The Delivery Partnership will work through the mechanism of a Joint Delivery Board to enable the effective delivery of development in Redcliffe Way and Redcliffe Hill. The overall objective of the Delivery Partnership will be to secure delivery of the proposals of the confirmed Redcliffe Neighbourhood Development Plan. A further report on formal membership and structure of the Delivery Partnership and progress will be brought to Cabinet and to the Planning, Transport and Regeneration Scrutiny Commission as soon as possible.

RECOMMENDATION for the Mayor's approval:

- 1. To approve the establishment of a Delivery Partnership between Bristol City Council and the Redcliffe Neighbourhood Development Forum.**
- 2. To endorse the application of £20,000 from the central contingency fund to support the initial establishment of the Delivery Partnership and its functioning over the period 1st July 2013 to 31st March 2015. Future financial support for the Delivery Partnership is anticipated by Bristol City Council to be derived from borrowing against anticipated development receipts.**
- 3. To approve the function of the Joint Delivery Board in proposing land disposal terms and phasing.**

Proposal for a Delivery Partnership

1. The proposal is for a formally established Delivery Partnership between Bristol City Council and the Redcliffe Neighbourhood Development Forum. The Delivery Partnership, operating through a Joint Delivery Board will enable effective and efficient delivery of the proposals of the Neighbourhood Development Plan currently in preparation by the Redcliffe Neighbourhood Development Forum by:

- contributing professional understanding of property management and land ownership in the area
- helping to ensure the viability and deliverability of development proposals and policies
- ensuring on-going participation of the Council as landowner in emerging proposals for the use of land in Redcliffe Way and Redcliffe Hill
- enabling the Redcliffe Neighbourhood Development Forum to be involved in the selection of developers for key sites and terms of disposal of sites in the Neighbourhood Development Plan area
- enabling the development of a Business Plan for the future phased release of land and of development in the area

The Delivery Board will make proposals for the phased release of land in accordance with the confirmed Neighbourhood Development Plan. Any decisions affecting the development or the release of Council owned land and property, will be taken by the Mayor. The functions and the proposed structure of the Delivery Board are set out in Appendix 1.

Redcliffe Neighbourhood Development Forum

2. The Redcliffe Neighbourhood Development Forum was designated on 1st July 2012 as the qualifying body under the Localism Act 2011, with the ability to prepare a Neighbourhood Development Plan and/or Neighbourhood Development Orders for the Redcliffe Way area. The policies and proposals of the Neighbourhood Development Plan (once formally confirmed following consideration at independent examination and subsequently successful at a local referendum), will be made part of the Development Plan for Bristol and will be used to make decisions on applications for development. In preparing the NDP the Redcliffe Neighbourhood Development Forum will need to show how the wider community and stakeholders have been engaged in the process and how proposals have responded to the needs of the area. The Policies and proposals will need to be consistent with National Planning Policy Guidance and in general conformity with the strategic policies of the Bristol Local Plan.

3. A Neighbourhood Planning Forum is designated for a 5 year period from the date of designation, after which the qualifying organisation would need to reapply for designated status. There is currently no specific role in the regulations for a Neighbourhood Planning Forum beyond the preparation of a Neighbourhood Development Plan, or Neighbourhood Development Order (a Neighbourhood Development Order will have the effect of granting Planning Permission for a proposal consistent with the detail of the order, and will also be considered at independent examination and referendum).

Further information on the Redcliffe Neighbourhood Development Forum is available from the Forum's website: <http://www.redcliffeforum.org.uk/>

Bristol City Council – Planning Role

4. In accordance with the Localism Act and the related regulations, Bristol City Council is responsible for the designation of a Neighbourhood Planning Area and a Neighbourhood Planning Forum for that area, and for the provision of advice and assistance to the Neighbourhood Planning Forum. The council is not required to financially support the

preparation of the Neighbourhood Development Plan. The council will be responsible for the costs associated with the independent examination of the Neighbourhood Development Plan and any subsequent referendum. There is no provision within the Localism Act or the neighbourhood Planning(General) Regulations for the Local Planning Authority to engage in a delivery partnership or vehicle with a Neighbourhood Planning Forum.

5. The council has identified a single point of contact for Neighbourhood Planning Forums such as the Redcliffe Neighbourhood Development Forum to ensure that the wide ranging issues are considered corporately.

Further information on Neighbourhood Planning and the preparation of Neighbourhood Development Plans is available on the Council Website:

<http://www.bristol.gov.uk/page/neighbourhood-planning-bristol>

<http://www.bristol.gov.uk/page/planning-and-building-regulations/neighbourhood-planning-redcliffe-way>

Bristol City Council – Property Role

6. The Council is the major land holder in this area and will need to be fully engaged in the preparation of a Neighbourhood Development Plan for the area for any proposed change in the area to be realised.

Detail of the Delivery Partnership

7. The attached paper from the Redcliffe Neighbourhood Development Forum (Appendix 1) sets out the aspirations for the working of a Delivery Partnership which are summarised as follows:

Delivery Partnership Board

- Independent Chair
- X members from RNDF to include x residents of the area
- X members from BCC Officers to include Service Directors from Strategic Property, Sustainable Development and Planning Services, Transport, Major Projects and Bristol Futures

(The balance of representation between the Council and the Redcliffe Neighbourhood Development Forum in numbers and / or skill base is to be agreed)

- Ability to add other members to the Board subject to the agreement of the Delivery Board

To ensure co-ordination of jointly agreed RNDF and BCC aspirations for the growth and development of the Redcliffe Way and Redcliffe Hill area.

To ensure effective delivery of the confirmed outcomes of the NDP using a delivery plan and business case to be approved by the Mayor in addition to the Delivery Partnership Board

Timing

8. Preparation of the Neighbourhood Development Plan has begun and consultation on initial aims and objectives was undertaken in February 2013. The NDF anticipate the publication of aims and objectives for comment in the summer with an early draft options version of the NDP in the autumn 2013.

9. The Delivery Partnership Board will initiate formal meetings to progress delivery opportunities as soon as approval is confirmed.

Consultation and scrutiny input:

a. Internal consultation:

George Ferguson	Mayor
Mark Bradshaw	Cabinet Member, Transport, Planning and Strategic Housing
Graham Friday	Head of Corporate Finance
Robert Orrett	Service Director Strategic Property
Zoe Willcox	Service Director Planning and Sustainable Development
Alun Owen	Service Director Major Projects
Peter Mann	Service Director Transport

Sustainable Development and Transport Scrutiny

Received a report on Neighbourhood Planning and the Localism Act in 2012 and will receive a further update including this issue in December this year.

b. External consultation:

Redcliffe Neighbourhood Development Forum

The Redcliffe Neighbourhood Development Forum initiated the proposal with the Mayor George Ferguson in February 2013, have been engaged in discussions and preparation for this report, and have submitted the proposal as attached at Appendix 1.

St Mary Redcliffe

Other options considered:

The alternatives to establishing a formally constituted Delivery Partnership that have been considered but rejected at this stage are:

- 1. Establish informal partnership working with regular meetings to share progress on an informal basis with opportunities for training for the community on relevant issues (viability, developer selection, development constraints etc)**
This option lacks the demonstrative commitment on the part of the Council to work with the Redcliffe Neighbourhood Development Forum and would not enable access of funding from other sources for support resources required.
- 2. Delay establishment of a formal Delivery Partnership until after the confirmation of the Neighbourhood Development Plan**
This option lacks the demonstrative commitment on the part of the Council to work with the Redcliffe Neighbourhood Development Forum, would not enable access of funding from other sources for support resources required and would not contribute to ensuring that the Neighbourhood Development Plan is drafted in a way that will maximise deliverability and viability on the Council's own land.
- 3. Not establish any partnership working with the Redcliffe Neighbourhood Development Forum, but progress development independently as land owner with formal consultation with the community as required**
This option would not contribute to ensuring deliverability of proposals within the Neighbourhood Development Plan for development on the Council's own land and would not maximise the opportunity for the Council to support the promotion of community-led neighbourhood planning and development.

Risk management / assessment:

FIGURE 1							
The risks associated with the implementation of the (subject) decision :							
No.	RISK Threat to achievement of the key objectives of the report	INHERENT RISK (Before controls)		RISK CONTROL MEASURES Mitigation (ie controls) and Evaluation (ie effectiveness of	CURRENT RISK (After controls)		RISK OWNER
		Impact	Probability		Impact	Probability	
1	Inadequate resources identified to support the operation of a Delivery Partnership.	High	Medium	Interim resources identified from central contingencies to enable early establishment of the Delivery Partnership. Additional pressures will need to be met from match funding from external sources and or borrowing against anticipated development receipts. Internal resources will need to be given to identification of match funding opportunities	High	Low	Robert Orrett
2	Delay in preparation of Neighbourhood Development Plan resulting in extension of period of Delivery Partnership prior to release of finance from development and increased resource implications for support of Delivery Partnership	Medium	Medium	Direct advice and support in place through Link Officer in Strategic Planning. Operation of Delivery Partnership will improve effective progression of NDP.	Medium	Low	Sarah O'Driscoll RNDF

FIGURE 2							
The risks associated with <u>not</u> implementing the (subject) decision:							
No.	RISK Threat to achievement of the key objectives of the report	INHERENT RISK (Before controls)		RISK CONTROL MEASURES Mitigation (ie controls) and Evaluation (ie effectiveness of	CURRENT RISK (After controls)		RISK OWNER
		Impact	Probability		Impact	Probability	
1	Failure to set up Delivery Partnership leading to inclusion of unviable proposals for Council land	High	High	Inclusion of Property in close working with Planning Officers on proposals as they emerge -	Medium	Medium	Sarah O'Driscoll
2	Poorer quality engagement by BCC in community based activity	High	High	Additional effort required by BCC Planning and Property Officers to address issue without the support of an agreed structure to enable communication.	Medium	Low	Sarah O'Driscoll/ Jan Reichel
3	Lack of transparency for process of decision making leading to legal challenge or failure at examination	Medium	Medium	Require separate reporting process in public for any emerging decisions	Medium	Medium	Sarah O'Driscoll/ Jan Reichel

Public sector equality duties:

Before making a decision, section 149 of the Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following "protected characteristics": age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

- i) eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
- ii) advance equality of opportunity between persons who share a relevant protected

characteristic and those do not share it. This involves having due regard, in particular, to the need to:

- remove or minimise disadvantage suffered by persons who share a relevant protected characteristic.
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.

Whilst there is no assessment of the equalities impact of the proposal of this Cabinet report to set up a Delivery Partnership at this stage, working as a Delivery Partnership will help to ensure that the wider requirements of the community of the Redcliffe area are taken into account. The Council will have a formal statutory role in assessing the implications of the proposals of the Neighbourhood Development Plan on the Equality Act and on associated Human Rights Act and EU legislation, following the confirmation of the plan at referendum. Additionally the implications of sale and/or development of any individual site in the Councils ownership will need to be assessed by Strategic Property as individual site briefs or profiles are prepared. These will need to be brought back to Cabinet for approval by the Mayor in line with the requirements on Cabinet to approve site sales.

The council needs to be assured that due regard is given with reference to the consultation process to make sure that under-represented equalities groups have the opportunity to have an active role in all consultation processes. The Council and the Redcliffe Neighbourhood Development Forum will need to be able to demonstrate that consultation has taken place effectively and consistently, that meetings are held in accessible venues and methods of communication fit the needs of individuals and does not only depend on online methods as this is not suitable for some equality groups.

All decisions need to adhere not only to current Planning / Building legislation but also need to take into consideration local agreements such as the Environmental Access Standard and any further best practice which could enhance any decisions and the overall offer.

Further equalities work will need to be undertaken as developments move forward, and wider consultation will need to be considered beyond the Redcliffe area but also Bristol in general to ensure that the needs of all Bristol residents and equality groups are taken into account.

Eco impact assessment

The significant impacts of this proposal are:

This proposal concerns the establishment of a delivery partnership, and does not in itself have any significant direct environmental impacts.

Indirectly, the work of the new partnership to deliver development in the Redcliffe area will generate a range of significant impacts.

The proposals include the following measures to mitigate the impacts...

Bristol City Council proposes the development of two specifications:

1. A building agreement covering any disposals of Bristol City Council-owned land.
2. A specification for any buildings that the Council commissions in the area.

The net effects of the proposals are:

Redevelopment will see change environmental impacts of sites, but the net effect is dependent on the existing use and nature of the proposed redevelopment. Many of these impacts will be controlled through the Statutory Land Use Planning System.

Resource and legal implications:

Finance

a. Financial (revenue) implications:

There is no formal funding available from the Department of Communities and Local Government to support the delivery of the proposals of a Neighbourhood Development Plan (although limited funding is available to qualifying bodies on a grant basis for the preparation of a Neighbourhood Development Plan and the Council has secured a £20,000 grant for Redcliffe Neighbourhood Development Forum from the Department of Communities and Local Government for this purpose).

A fully funded Delivery Partnership is likely to need in the region of £150,000 over a 3 year period. To ensure the development process is properly initiated the Council will have to provide a 'one-off' contribution of £20,000.

There is no provision within either the Strategic Property Service budget or the Sustainable Development and Planning Services budget to support this proposal. Therefore it is proposed to apply £20,000 from the Council's central contingency budget to support this initiative over the period 1st July 2013 to 31st March 2015. The £20,000 will provide for the preparation of a draft business case which will enable the Delivery Partnership to source additional funding to carry forward future costs.

Advice given by Graham Friday – Head of Corporate Finance

Date 31st May 2013

b. Financial (capital) implications:

There are no immediately occurring capital costs arising from the proposal to engage in a Delivery Partnership. Capital cost implications will arise in the future as a result of the development of the Council's land holdings and are expected to result in a positive financial return on investment of time and resources in the Delivery Partnership.

Advice given by Graham Friday Head of Corporate Finance

Date 31st May 2013

c. Legal implications:

The proposal detailed in the report is to establish a Delivery Partnership between Bristol City Council and the Redcliffe Neighbourhood Development Forum. The Council has the power to establish and enter into such a Delivery Partnership by virtue of section 1 of the Localism Act 2011.

Advice given by Joanne Mansfield, Solicitor
Date 29th May 2013

d. Land / property implications:

Engagement by Bristol City Council with the Development Partnership enables the Council to assess the emerging development proposals for viability and impact on Council responsibilities and assets.

Advice given by Robert Orrett - Service Director Strategic Property
Date 23rd May 2013

e. Human resources implications:

Initial set up implications of this proposal will be met from within the staff resources of Strategic Planning and Strategic Property Services. Additional support service requirements will need to be met by funds from central contingencies. There are no reductions, restructuring and/or redundancy implications

Advice given by Sandra Farquharson - N&CD HR People Partner
Date 23rd May 2013

Appendices:

Guidance:

Appendix 1 – Redcliffe Delivery Partnership Proposal

Appendix 2 – Map of Development Area

Access to information (background papers):

None

Appendix 1 – Redcliffe Delivery Partnership Proposal

Bristol City Council and Redcliffe Neighbourhood Development Forum Redcliffe Way – Towards an effective delivery vehicle

1. Introduction

Following the meeting between BCC and Redcliffe Forum on 4 April 2013, the following points of agreements were made:

- a joint Delivery Board comprising of representatives of the City Council and Redcliffe Forum to deliver the Redcliffe Neighbourhood Plan should be operational as soon as feasible;
- any Delivery Board should operate in parallel to the on-going Neighbourhood Development Plan making process, and identify areas where the Delivery Board can assist the production of a plan that is feasible and deliverable;
- the development will aim to maximise the long term value for the quality of the city;
- a small working group of representatives from the City Council and the Forum should meet to work up in more detail the role and functions of a joint Delivery Board, and outline a work programme, and that the paper prepared by Redcliffe Forum and circulated prior to the meeting on 4 April 2013 should form the basis of the more detailed proposals.
- An “enabling” report be submitted to the City Council Cabinet in June 2013 will seek approval in principle to
 - o the Council participation in a Joint Delivery Board
 - o the allocation of Council staff and money to it and
 - o the function of the Joint Delivery Board in proposing land disposal terms and phasing.

On 2 May 2013, representatives of Redcliffe Forum and BCC met to develop together the proposals for the Delivery Board and prepare papers to be submitted to the June Cabinet of the City Council . The representatives of BCC were Robert Orrett and Sarah O’Driscoll. The representatives of Redcliffe Forum were Melissa Mean, Simon Prescott, John Ashford, Richard Silverman and David Farnsworth. The rest of this paper details the proposals from that joint working.

2. The rationale for joint working

The Redcliffe Forum is at present preparing a Neighbourhood Development Plan and Development Orders using the statutory powers under the Localism Act. The community is determined that the vision for Redcliffe Way should be about more than a paper plan: it is about re-imagining and redesigning a piece of the city and making it happen. The Redcliffe Forum is able to bring an early community vision, community involvement and enthusiasm, access to a strong body of knowledge in local members through inputs from local, national and international experts, and the democratic endorsement of a local referendum.

Bristol City Council brings benefits of land holdings and expertise in property management; engagement in delivery of the Enterprise Zone and related funding and development opportunities; and commitment and leverage of the Mayor in enabling wider engagement in the delivery of change.

3. The Development Area

Development area is defined in the attached map Appendix 2 (*to follow*).

4. The function of the Delivery Board is to:

- Work in parallel with the Redcliffe Neighbourhood Development Forum to enable the delivery of the proposals as set out in the emerging Neighbourhood Development Plan.

Functions of the Delivery Board:

- Arrange for the funding of enabling studies to remove constraints on sales and/or maximise the value of sale;
- Advise the Council and the Forum on the best way to market the proposals set out in the Neighbourhood Development Plan, including proposals for the nature and design of development;
- Propose terms for and phasing of disposal on land and property holdings;
- Market the development opportunities;
- Negotiate with the development market on the terms of sale.

In order to fulfil these functions, the Delivery Board would undertake the following tasks:

- pool all relevant data from Forum & BCC sources; contact other parties to seek additional data as appropriate;
- development appraisal of draft Neighbourhood Development Plan options to identify levels of land values, principle costs, relevant issues affecting viability, such as title information, status of land;
- research the market for development feasibility;
- propose the terms of any development agreement;
- identify critical stakeholders and how to work with them;
- Prepare delivery plan and business case;
- make recommendations in relation to the use or release or disposal terms of land for decisions to be taken by the land owner.

Structure:

The structure of the Joint Delivery Board is proposed as follows:

- The membership of the Joint Delivery Board will ensure a balance of representation between the Council and the Redcliffe Neighbourhood Development Forum in numbers

and / or skill base. Membership will be agreed and reported to Cabinet as soon as possible

- There will be the ability to add members subject to the agreement of the Delivery Board;
- The members from the City Council will be represented by senior officers from relevant departments, led by Strategic Property;
- The Delivery Board will have a chairperson who is neither a member of the Forum nor a member or officer of the City Council;
- The delivery plan and business case will identify the expected requirements for appointment of consultants, staff or other resources;
- The Delivery Board aims appoint an executive team consisting of built environment professionals or a development management organisation following the initial evaluation. The executive team would carry out day-to-day activities necessary to fulfil the aims of the Delivery Board and its client, the Redcliffe Neighbourhood Development Forum. The Cabinet Report does not seek a decision on this at this stage.


Changes to the formal terms of reference or constitution will require approval of the City Council and the Redcliffe Neighbourhood Forum. Approval of the delivery plan and business case will be by the Delivery Board and also by the Mayor. Property management or ownership decisions will remain with the owner of the relevant property interest;

- Regular meetings would be arranged between the Neighbourhood Development Forum and the Delivery Board as the increments of planning are brought forward by the Forum and the increments of land development are brought forward by the Board.

How/ Next Steps

- The City Council Cabinet is being asked to give its approval to setting up the Delivery Board, and representatives of the City Council and the Forum working together;
- The initial phase of work would be to develop an initial delivery plan and appraisals. This work would be undertaken by the Delivery Board between July and December 2013. This would require some support through officer time and resources, suggested to be £20k.

Appendix 2:

 **Redcliffe Way Potential Development Area**

