

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	THE LEADER AND CABINET MEMBER, VALUE FOR MONEY AND EFFICIENCY, JOINTLY WITH THE STRATEGIC DIRECTOR FOR ECONOMY
Report of:	Assistant Director - Regeneration
Date of Decision:	3 November 2016
SUBJECT:	ASTON ADVANCED MANUFACTURING HUB: LANDSCAPED BUFFER
Key Decision: No	Relevant Forward Plan Ref:
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Relevant Cabinet Members:	Councillor John Clancy, Leader Councillor Majid Mahmood, Value For Money and Efficiency
Relevant O&S Chairman:	Councillor Mohammed Aikhlaq, Corporate Resources and Governance Councillor Zafar Iqbal, Economy, Skills and Transport
Wards affected:	Perry Barr

1. Purpose of report:	
1.1	To seek approval of the Full Business Case (attached at Appendix 1) for the Aston Advanced Manufacturing Hub (AMH) landscaped buffer scheme, which is outlined in Appendix 2. The scheme comprises a green buffer between Aston Parish Church and new industrial development to the east, as part of the AMH.
1.2	To provide details of the design and construction works for the buffer scheme, and seek approval to award a contract and implement the scheme via the Council's Landscape Construction Framework 2015-19.
1.3	To seek approval to transfer land (to which the buffer relates) from the Economy Directorate to Place Directorate ownership, who will be responsible for its future maintenance through the allocation of a commuted sum.

2. Decision(s) recommended:	
	That the Leader and Cabinet Member for Value for Money and Efficiency jointly with the Strategic Director of Economy:
2.1	Approves the Full Business Case for £311,113 (attached as Appendix 1) for the Aston Advanced Manufacturing Hub landscaped buffer scheme (Appendix 2).
2.2	Authorises the Head of Landscape and Development to award a contract and place an order with the preferred contractor for a value not exceeding £240,623 using the Landscape Construction Framework 2015-19 to deliver the landscape buffer scheme and to appoint Landscape Practice Group to project manage its implementation at a total cost not exceeding £39,551.
2.3	Delegates authority to the Director of Property Services to transfer the land allocated for the buffer (identified in Appendix 3) from the Economy Directorate to Place Directorate at nil cost to enable the Parks Management service to assume responsibility for its future maintenance (through the provision of a commuted sum of £30,939).
2.4	Authorises the Interim City Solicitor to negotiate, seal, execute and complete all legal documentation to give effect to the above recommendations.
Lead Contact Officer(s):	Kelly Whitehouse- North West Planning and Regeneration Team
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3. Consultation

3.1 Internal

The buffer proposal has been developed in consultation with officers from a number of Council services, including Planning and Regeneration, Strategic Transportation and Partnerships, Birmingham Property Services, Leisure, Legal and Finance and Procurement. This consultation has ensured that the proposal is well designed and sufficient funding has been identified to deliver and maintain the scheme. The local Ward Members for Perry Barr, Aston and Nechells have been briefed on the proposal, who are supportive of the scheme. In addition, the chairs of the relevant Overview and Scrutiny Committees have been briefed (Corporate Resources and Governance/ Economy, Skills and Transport), alongside the MPs for Perry Barr, Ladywood and Erdington. The Strategic Director for Place has been consulted on the project, as the land allocated for the scheme currently falls within the Economy Directorate and will be appropriated by the Place Directorate, who will be responsible for its maintenance.

3.2 External

Planning consent for the scheme was obtained on 15th September 2016. Consultation was undertaken on the planning application in accordance with the Council's normal procedures consisting of letters to adjacent occupiers and a press notice. The scheme provides a buffer between industrial and adjacent land uses, and has been developed in consultation with Aston Parish Church. It seeks to enhance the setting of the Conservation Area, through a new boundary treatment, which will open up views to the churchyard. The AMH is being brought forward in partnership with the Homes and Communities Agency (HCA), who have been consulted on the buffer scheme.

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

4.1.1 The buffer scheme has been prepared in the context of the adopted Aston, Newtown and Lozells Area Action Plan (AAP, July 2012) and Aston Advanced Manufacturing Hub Local Development Order (LDO, January 2014). It contributes to the key strategic objective of the Council Business Plan and Budget 2016+ for 'A Strong Economy' as the scheme is located within the AMH, which is a 20 ha employment site in Aston, adjacent to Spaghetti Junction. The scheme will improve the environmental quality of the area, thereby helping to attract major industrial occupiers, creating new employment opportunities for local people.

4.1.2 Birmingham Business Charter for Social Responsibility (BBC4SR)

As the value of the proposed contract is below the threshold of £1m for works, there is no requirement for a BBC4SR action plan to be produced. However, the payment of the Living Wage is a mandatory requirement for tenderers.

4.2 Financial Implications

(Will decisions be carried out within existing finance and resources?)

4.2.1 In order to facilitate the delivery of the project, it is necessary to appropriate the area of land marked in Appendix 3 from the Economy to Place Directorate. This will enable Parks Management to undertake regular landscape maintenance. A valuation has been undertaken by BPS, who have confirmed that the value of the land to which the buffer relates is negligible and can therefore be transferred at nil cost.

- 4.2.2 The capital cost of the scheme is £280,174 and the project will be funded from the Growing Places Fund repayable grant identified and approved by Cabinet on 30th July 2012 in the report "East Aston Regional Investment Site – Growing Places Funding". In the event that capital receipts from the sale of plots of land within the RIS exceed the costs of land assembly, demolition and remediation etc then this will need to be used towards repayment of the grant. The profile of spend is shown within the Full Business Case, which is attached as Appendix 1.
- 4.2.3 The annual cost of horticultural maintenance for the buffer strip has been calculated by Parks Management at £1,545 per annum amounting to a commuted sum of £30,939 for 15 years. This element of the scheme will be funded through Section 106 monies (2015/00027/LA Spring Road), in accordance with the Town and Country Planning Act 1980. The spend identified is consistent with what is stated in the agreement, which seeks to provide for improvements to access and infrastructure serving employment land within the area. The buffer scheme is located within the geographical area identified in the section 106 agreement.
- 4.3 Legal Implications
- 4.3.1 Investment in economic development is made pursuant to the general power of competence contained in Section 1 of the Localism Act 2011.
- 4.3.2 The area of land allocated for the landscaped buffer predominantly falls within Council ownership, however, a proportion is in unknown ownership. The Council has attempted to determine ownership, but without success. Contact has been made with adjoining landowners, and a notice has been placed in the Birmingham Post, as part of the planning application which has recently been approved for the scheme. Officers in Legal Services have been consulted on the proposal, and it has been advised that when the scheme is delivered and maintained by the Council, it could apply to register the land with possessory title in the future. The unregistered plot is being included as it is poorly maintained at present, and as such, would detract from the effectiveness of the scheme when implemented. Including this plot also provides an opportunity to open up views into the churchyard, thereby enhancing the setting of the Conservation Area.
- 4.3.2 As the buffer proposal borders Aston Parish Church, the Diocese Advisory Committee (DAC) has been briefed on the landscaped buffer scheme, and it has been concluded that the works do not require Faculty approval. In addition to the buffer proposal, the Council is proposing to erect a small stretch of railings along part of the historic churchyard wall. These railings are complementary to the buffer scheme and will improve safety in the area for users. As the railings fall within the boundary of the churchyard, final approval from the church is required for this small element of the project and does not affect overall deliverability. LPG will ensure that this work is delivered in accordance with the report recommendations.
- 4.4 Public Sector Equality Duty (see separate guidance note)
- 4.4.1 An Equalities Assessment has been undertaken for the landscaped buffer scheme and is attached as Appendix 4 and concluded that it does not adversely impact on any of the protected characteristics and is user friendly for all potential users, including those with disabilities. The Council's Landscape Practice Group (LPG) has designed the proposal, and there has been in continuous dialogue with various Council services, the future occupiers of the AMH and Aston Parish Church (as an adjacent landowner). This dialogue has ensured that the buffer scheme is well designed with the Council's consideration of protected characteristics. The buffer will be fully accessible to pedestrians and cyclists, with no steps or ramps creating restrictions for those with mobility issues. Entry points from adjacent footpaths will be level and wide enough to accommodate wheelchairs and pushchairs.

5.0 Relevant background/chronology of key events:

- 5.1. The AMH is one of six economic zones in Birmingham, which form part of the City Council's overall strategy for economic growth. The site captures the importance of the advanced manufacturing sector to the wider West Midlands and seeks to provide opportunities for the growing automotive supply chain as well as other advanced manufacturing activity. The AMH is best placed to accommodate growth in this sector, given its size of 20 hectares and accessibility at the heart of the motorway network adjacent to the M6 at Spaghetti Junction. The AMH is being brought forward by the Council, in partnership with the Homes and Communities Agency (HCA).
- 5.2. The AMH is formally designated as a Regional Investment Site in the adopted Aston, Newtown and Lozells Area Action Plan (AAP, 2012), which provides a planning framework for regeneration and housing renewal up to 2031. To expand on policy within the AAP, a Local Development Order (LDO) has been adopted for part of the AMH (January, 2014) to support the delivery of growth. The LDO grants planning permission for B1(b), B1(c) and B2 uses on a number of key sites, and is currently being amended to include an additional development plot. In addition to the adopted AAP and LDO, a Development Framework has recently been prepared, which seeks to ensure a comprehensive and coordinated approach to new development. It highlights the importance of high quality design and place making, to create an attractive business environment for both new companies locating at the AMH and the wider community.
- 5.3. As part of the LDO, a number of landscaped buffers have been designated to ensure that new development does not adversely impact on adjacent land uses, one of which is being delivered by the Council (this approval). The land allocated for the buffer is located between Aston Parish Church (which falls within Aston Hall and Church Conservation Area) and new industrial development, which forms part of the AMH. The scheme has been developed in consultation with the Church, and seeks to enhance the setting of the Conservation Area through a new boundary treatment, which will open up views to the churchyard. The benefits of the buffer are recognised, which will not only provide set back from the Conservation Area, but will provide a pedestrian and cycle route linking Aston Hall Road with Serpentine Road. The scheme will improve the environmental image of the area, through the provision of an attractive green space which is multi-functional, benefiting both wildlife and local communities. A number of buffers are designated within the boundary of the AMH to protect the amenity of residential occupiers, safeguard heritage assets and mitigate flood risk. All of the buffers within the LDO are being delivered by developers/ occupiers as part of new development, with the exception of the buffer that is the subject of this report.
- 5.4. The AMH is a major success story for Birmingham; the majority of the first phase is underway with the first occupier operational (Hydraforce), and two further developments under construction, due for completion in early 2017. Hydraforce has built a new 11,000 sqm facility, which will create and safeguard 500 jobs by 2018. The Council, with its partner, the HCA are committed to continuing to bring new development forward, and a significant amount of public sector investment has already taken place to enable site assembly and access improvements. A key output of the AMH is creating new employment opportunities for local people, and the Council will continue to work in partnership with education and training providers to ensure that future employees are equipped with the necessary knowledge and skills to secure employment in the advanced manufacturing sector.

5.5 Scheme procurement

- 5.5.1 The proposed works have been designed by the City Council's Landscape Practice Group who will project manage the delivery of the scheme. The contract for the works will be awarded by direct award on a 'taxi rank' basis in line with the protocol of the Landscape Construction Framework 2015-19, which was approved by the Cabinet Member for Commissioning, Contracting and Improvement on 13th April 2015. The work is being awarded to the 3rd ranked contractor; Jack Moody Group plc, the opportunity having previously been offered to and declined by the first and second ranked respectively due to not having the capacity at the time. The value of the contract at £240,623 reflects the pricing per the schedule of rates in the Landscape Construction Framework 2015-19.

5.6 Service Delivery Management

5.6.1 The City Council's Landscape Practice Group has been commissioned as the project manager for the procurement and delivery of the contract, with the overall accountability of the contract sitting with the Assistant Director for Regeneration, who chairs the AMH Project Board. The contract will be managed operationally by the Principal Development Planning Officer – Planning and Regeneration who will report monthly on progress to the Board and will raise any issues arising relating to actual forecast costs. The actual roles and responsibilities between the Project Manager and the Contract Manager will be agreed prior to the commencement of the contract. To ensure the successful delivery of the contract within the available budget, an up to date scope for each stage of the commission will be agreed by the Project Board, with amendments agreed only in reasonable circumstances. Any changes to scope will be managed through formal change control procedures, as required by the contract. The FBC (Appendix 1) expands on contract management and performance management roles in more detail.

5.7 Currently, the scheme implementation is programmed as follows:

Activity	Timescales
Delegated approval	October 2016
Contract Award	October 2016
Start on site	November 2016
Contract completion	February 2017

6. Evaluation of alternative option(s):

- 6.1 Do Nothing- The landscaped buffers within the AMH are a requirement of the adopted LDO, which are necessary to mitigate the effects of new development. Failure to deliver the buffer would mean that that one of the key conditions within the LDO would not be met, and the benefits of the scheme would not be realised.
- 6.2 Reduced Scheme- A reduced scheme, in terms of land take and vegetation, would not be as effective and would fail to open up views to the churchyard, which is a key output of the project.

7. Reasons for Decision(s):

- 7.1 To enable the delivery of a landscaped buffer, as required by the adopted LDO for the AMH, which will mitigate the effects of new industrial development and enhance the setting of Aston Parish Church.

Signatures

Date

Cllr John Clancy
Leader

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Cllr Majid Mahmood
Cabinet Member, Value for Money
and Efficiency

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Waheed Nazir
Strategic Director, Economy

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List of Background Documents used to compile this Report:

1. Aston, Newtown and Lozells Area Action Plan (AAP, 2012)
2. Aston AMH Local Development Order (LDO, 2014)
3. Aston AMH Draft Extended Local Development Order (LDO, 2016)
4. EINA for the Aston, Newtown and Lozells Area Action Plan
5. Cabinet report 30th July 2012: East Aston Regional Investment site: Growing Places Funding
6. Cabinet report 18th November 2012: Advanced Manufacturing Hub: Phases 2 & 3 – Full Business Case

List of Appendices accompanying this Report (if any):

1. Aston AMH Landscaped Buffer Scheme- Full Business Case
2. Landscaped buffer scheme
3. Land allocated for buffer to be transferred from Economy Directorate to Place Directorate
4. Aston AMH Landscaped Buffer- Equalities Assessment

PROTOCOL

PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty – see page 9 (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none">(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none">(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none">(a) tackle prejudice, and(b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none">(a) age(b) disability(c) gender reassignment(d) pregnancy and maternity(e) race(f) religion or belief(g) sex(h) sexual orientation