

OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Date and Time :- Wednesday, 6 June 2018 at 11.00 a.m.
Venue:- Town Hall, Moorgate Street, Rotherham.
Membership:- Councillors Brookes, Cowles, Cusworth, Evans, Keenan, Mallinder, Napper, Sansome, Short, Steele (Chair) Walsh and Wyatt.

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Questions from Members of the Public and the Press
4. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.

Items for Pre-Decision Scrutiny

In accordance with the outcome of the Governance Review, the following item is submitted for pre-scrutiny ahead of the Cabinet and Commissioners' Decision Making Meeting on 11 June 2018. Members of the Overview and Scrutiny Management Board are invited to comment and make recommendations on the proposals contained within the report.

5. The House Project (Pages 1 - 14)
6. Rotherham Local Plan - Adoption of the Sites and Policies Document (Pages 15 - 25)
7. Forge Island Development (Pages 27 - 39)
8. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
9. Date and time of next meeting

The next meeting will be held on Wednesday 20 June 2018 at 11.00 a.m. in Rotherham Town Hall.



SHARON KEMP,
Chief Executive.

Summary Sheet

Committee Name and Date of Committee Meeting:

Cabinet and Commissioners' Decision Making Meeting – 11 June 2018.

Report Title:

The House Project

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Mel Meggs, Acting Strategic Director of Children and Young People's Services

Report Author(s)

Sharon Sandell – Service Manager, Leaving Care

Ward(s) Affected

All

Summary

The House Project (HP) was a Department for Education (DfE) Social Care Innovation Fund Project that looked at creating a new model of supported housing for young people leaving care in Stoke-on-Trent. It was set up as a company limited by guarantee (CLG), based on a tenant-led housing co-operative model.

The project was the first of its kind for care leavers in the UK, and involved young people having a lead role in developing and running the overall project, as well as choosing and refurbishing their own tenancy, and identifying the support needed to sustain it.

The key elements of the project were the offer of suitable, safe and long-term post-care housing alongside a holistic and bespoke package of training and support that focused on increasing young people's independent living and personal skills and their participation in education, employment and training (EET).

The co-operative model aimed to increase young people's sense of community and integration, and their choice and overall agency in their transitions from care to independent adulthood. A key aim of the project was to reduce the feelings of isolation and powerlessness that many care leavers can experience after leaving care.

The House Project (HP) was based on a tenant-managed housing co-operative model, run for, and by, young people aged 16-18 who are leaving care.

The model comprised of a staff team, (including facilitators to support young people) and a range of partner agencies (including a legal team, architect and training company). The model involved the transfer of void properties from Stoke-on-Trent council to the HP on a short-term lease and peppercorn rent.

The aim was to secure 10 properties at any one time, replacing allocated properties when they revert to the council. The 10 properties were allocated to the House Project young people under HP tenancy agreements, alongside a bespoke package of support until the young person was considered ready and able to transition out of the project, at which point they and their home revert to a standard long-term council tenancy.

The project involved young people working with architects and a project management team to refurbish the properties, to engender a sense of ownership and enable them to create homes that meet their needs.

Rotherham is one of the areas that have been approached by the DfE to become part of the next phase of Innovation projects.

The project attracts £370,000 of DfE funding

Recommendations

1. That Rotherham Metropolitan Borough Council (RMBC) become part of the next phase of DfE Innovation Funded Projects to explore the feasibility of developing an alternative housing solution for Care Leavers in Rotherham.
2. That it be acknowledged that Rotherham Care Leavers will be responsible for the design, development and delivery of the project and will be supported by a range of officers from across the Council to ensure the project is delivered within the principles and practices of RMBC as well as the vision and principles of the project. (Appendix A).

List of Appendices Included

Appendix A Governing Principles and Vision of the project

Appendix B Governance Arrangements for the House Project

Background Papers

DfE Evaluation Report 'Making a House a Home – Stoke House Project March 2017

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 6 June 2018

Council Approval Required

No

Exempt from the Press and Public

No

The House Project

1. Recommendations

- 1.1 That Rotherham Metropolitan Borough Council (RMBC) become part of the next phase of DfE Innovation Funded Projects to explore the feasibility of developing an alternative housing solution for Care Leavers in Rotherham.
- 1.2 That it be acknowledged that Rotherham Care Leavers will be responsible for the design, development and delivery of the project and will be supported by a range of officers from across the Council to ensure the project is delivered within the principles and practices of RMBC as well as the vision and principles of the project. (Appendix A).

2. Background

- 2.1 Stoke-on-Trent City Council received a Phase One Innovation Fund Grant from the Department of Education (DfE) to create a Cooperative for Care Leavers to manage their own accommodation. The model proposed the creation of a Board as a formal Limited Company, (which is also a Registered Charity). The project began in early 2015 and eight young people successfully moved into their homes.
- 2.2 Key to the success of the project is that it enables young people to project manage their own accommodation by actively becoming involved in the maintenance and decoration of their own property. Care Leavers in Stoke-on-Trent appointed the team to work with them and had overall charge of all decisions made.
- 2.3 The DfE is now looking for five Local Authorities to develop similar projects as part of the next wave of Innovation Projects.

Through the Innovation Fund the DfE are exploring whether the impact and methodology of the model adopted in Stoke-on-Trent can be replicated in other areas. Rotherham has been identified as one of the areas where the principles, ideas and approaches used in Stoke could be tested out.

- 2.4. The University of York has been approached to undertake an evaluation of the next phase using the same researchers from the original Stoke-on-Trent evaluation.

The DfE are also looking to develop a national body that can support more local authorities to develop this approach.

- 2.5. The aim of the project is to co-produce with care leavers an approach to finding alternative housing solutions for securing a permanent home for young people leaving care.

- 2.6. This is a 3 year project during which time up to 10 young people are expected to move into up to 10 units. It is anticipated young people will be in their accommodation between the end of year one and the middle of year 2 of the project.
- 2.7. RMBC currently offer priority status to care leavers as part of its housing allocation policy, as is the expected standard for the majority of Local Authorities in England. As such this project does not require any additionality for care leavers in the area.

3. Key Issues

- 3.1 This project is a DfE Innovation Funded project which seeks to further test the idea of the House Project and to see the possibilities of its application in other local authority areas. A number of elements will need testing as part of this project. This includes;
 - Bringing young people together to develop and manage the project. More specifically RMBC will need to consider how young people become part of the management board and how they make an application to gain accommodation via the House Project as part of the first phase of the feasibility study.
 - Working with housing colleagues to determine the most appropriate accommodation strategy for the project. This will explore the feasibility of utilising council homes in the project, whilst recognising it must not disadvantage those already on the housing register or be detrimental to the Housing Revenue Account in terms of maintaining income collection rates and asset values.
 - Developing a personalised housing plan for each young person as soon as practicable to enable the property allocation process to work effectively and ensuring waiting times for properties to become available are not too long
 - Working with young people to identify the right accommodation that meets their needs and be responsible for the accommodation.
 - Exploring what will be the best temporary tenancy/licensing arrangements and how the young people can transfer into a permanent home
 - Working together to consider the scope of decision making for young people and what elements of housing management can be handed over to young people in a way that supports RMBC to manage the expectations of young people while at the same time shows commitment to the principles and values of the project.

- Working together to determine the right mechanisms to make sure young people are ready to move in to their own tenancy – this includes the development of practical skills as well as any counselling/psychological support that might be required to help young people settle in their own homes.
- This is a pilot project testing the feasibility of the House Project as it could be developed in Rotherham. In terms of the core principles of the project – these are the goals of any Leaving Care Service supporting young people make the transition into their own accommodation. This project offers an alternative model for supporting RMBC Leaving Care Service to develop these skills and attributes in our young people.

4. Summary of options considered and recommended proposal

- 4.1. **Option One:** Do nothing. RMBC Leaving Care Service was rated outstanding by OFSTED as a result of the Single Inspection in December 2017. A significant aspect of this judgement related to how RMBC supported young people to access and maintain suitable and safe accommodation. Whilst the offer is strong and varied it can currently be expensive in some cases for some young people. The project is expected to consolidate the current outstanding accommodation offer whilst at the same time achieve some cost savings on the current accommodation offer. By choosing to not proceed with this initiative the opportunity of significant external support to develop an alternative housing solution will be missed.
- 4.2. **Option Two:** It is recommended that Rotherham Metropolitan Borough Council progress the offer and become one of the five areas taking forward an exploration of the feasibility of becoming involved in the development of a House Project.

5. Consultation

- 5.1 Significant informal consultation has occurred with Care leavers who are supportive of the Council's involvement.
- 5.2 A key part of the project requires young people to make a pitch to the House Project Board to explain why they want RMBC to become part of the House project. This took place in March 2018.
- 5.3 Further consultation with stakeholders will be conducted once the model is developed.

6. Timetable and Accountability for Implementing this Decision

- 6.1 This is a proposed three year project. A detailed project plan will be developed in consultation with the national funder.

7. Financial and Procurement Implications

- 7.1. For young people who are looked after the Council has to pay for their accommodation and care up to the age of 18. Currently a mid-support placement costs on average £83k per annum while a residential placement costs £213k per annum.
- 7.2. When the young person turns 18 it is expected that they move to their own accommodation and take responsibility for paying their own rent whether this be through housing benefit or via secured employment that enables them to be fully financially independent.
- 7.3. The project will initially work with a cohort of up to ten care leavers which is the same size as the original project in Stoke.
- 7.4. The projections for the project are based on an average of three 16-17 year old's being in the cohort of ten at any-one time. The remaining 7 would be 18+. This mix would provide stability for the project with the higher need and support requirements of the 16-17 year olds being complemented by the more stable 18+ age group.
- 7.5. These projections are based on a number of assumptions. However any changes in the assumptions will impact on the financial projections identified in the table below.
- 7.6. The project set-up period is forecast to commence in July 2018 with the first full year of the scheme to be 2019/20.
- 7.7. In relation to refurbishment costs – RMBC Housing has a budget for completing works on voided properties prior to letting if required. Negotiation and discussion will need to take place if this project can capture any monies as part of the voids process. Young people leaving care have up to £2000 to set up their own home. It is expected this would be used to support young people making their house, their home.

Projected Income and Expenditure Table A

House Project				
Forecast Income and Expenditure	2018/19	2019/20	2020/21	2021/22
Innovation Funding	(330,000)	(40,000)	0	0
Income (rental payments / utilities from care leavers)	0	(31,243)	(31,867)	(32,505)
Total income (Note 1)	(330,000)	(71,243)	(31,867)	(32,505)
Accommodation costs (excluding repair costs, social landlord responsibility)	8,213	18,258	18,589	18,930
Refurbishment costs	150,000	0	0	0
Project Support costs (Note 2)	170,901	194,455	197,184	199,966
Total Expenditure	329,114	212,713	215,773	218,896
Council funding				
Care placement budgets	0	(253,923)	(259,002)	(264,182)
HRA rents (10 properties at £344 per week)	0	41,282	42,108	42,950
	0	(212,641)	(216,894)	(221,232)
Annual (saving) / cost	(886)	(71,171)	(32,989)	(34,841)
Cumulative (saving) / cost	(886)	(72,057)	(105,045)	(139,886)
Note 1				
Includes Innovation Funding and income from care leavers (from the 7 x young people aged 18+)				
The financial projections assume that the final two payments of the Innovation Funding (£130k in total) are received. Without these two payments the project would still generate a cumulative saving over the above period.				
Note 2				
Includes Project management costs, therapeutic and group sessions, facilitators etc.				

7.8. The project will attract £370,000 of DfE Innovation Funds. Although each staged payment will be reliant on Rotherham CYPS achieving the previous phase there will be no clawback if it is decided at any point to withdraw from the project. This grant will be drawn down in tranches subject to satisfactory progress against delivery which will be outlined in a partnership agreement. Payment amounts and deliverables, similar to the Stoke-on-Trent model, would be as below.

Payment 1 for £150,000 (year 1, 2018/19)

Deliverable - Project lead recruited; creation of a programme plan

Payment 2 for £90,000 (year 1, 2018/19)

Deliverable - 10 young people recruited to the project, project team in place; regular attendance at the national meetings

Payment 3 for £90,000 (year 1, 2018/19)

Deliverable – Demonstrated commitment to setting up an approach in collaboration with young people to support the continuation of the values and principles of the House Project at the end of the Innovation Programme funding; regular data monitoring provided.

Payment 4 for £40,000 (year 2, 2019/20)

Deliverable - Commitment to working with young people through the support of the House Project members to participate in young people focussed hub events etc.

These payment dates are a guide depending upon individual negotiations and subject to agreement.

- 7.9. The expenditure for the first 9 months will be covered from the DfE funding. This will cover all initial set up costs, accommodation costs (based on the model adopted in Stoke-on-Trent and excluding those which are the responsibility of the social landlord, e.g. repairs) and the six month programme working with each care leaver on participation requirements and life skills. £150k of the DfE grant would be used for a refurbishment fund to enable any required building works on the 10 identified dwellings to be undertaken. This is planned to cover the period between the property being 'handed back' by the previous tenant and it being made ready for a young person to live in. This will be incurred in the first year of the project.
- 7.10 The current average cost to the Council of a 16-17 year old care leaver is £83k for supported care and £213k for an Out of Area placement.
- 7.11. The main source of income for the project each year would come from the Council's Leaving Care budget and equate to three 16-17 year old supported care places totalling £249k. The Strategic Director for Children's Services may authorise this in-year budget virement (in accordance with the Council's Financial Regulations 7.2). This will be reported as part of the financial monitoring reporting procedures. This is at a rate of £83k per care leaver per annum (plus 2% inflation each year). Income would also come in from the 18+ group in the form of rent charges and their contribution to utilities.
- 7.12. The project offers the Council a potential for cost reduction against the current Leaving Care budget. At the point of viring of the £249k budget, the project is cost neutral to the Council. If any of the three 16-17 year olds selected to join the scheme move from an out of area placement (at the higher cost of £213k per placement) there is potentially a further saving of £130k per care leaver for the Council.
- 7.13. Rent will be charged in line with council house social rents and the rental income will come back into the Housing Revenue Account. Rent will come from the residents that are 18+ either in the form of Housing Benefit or wages if they are in employment and charged at the rate of Housing benefit of £344 per month. The affordability for the young person to rent a home they are selecting will be assessed prior to the property being allocated; this will ensure they do not get into debt. Each young person will also contribute to monthly utility bills, which is the existing arrangement. This will come from the care leaver's personal allowance. The Housing Income Team and Housing Financial Inclusion Officers can provide the necessary support.

7.14. The project is expected to break even in 2018-19. In year 2 (i.e. 2019/20) onwards there would be a profit which would sustain the project in future years and work on the next cohort of children.

7.15 The Council will continue to receive the appropriate social rent for the properties based on £344 per month, per property at a total of £41,282 per year for the ten properties (inflated from 2019/20 by 2% inflation each year), i.e. there will be no additional cost to the Council arising from the project. This is shown in Table A under paragraph 7.7 above.

7.16 The Council is seeking to recruit to 2 posts initially. Costs captured above. Any additional support required by young people to move in to their accommodation will be dependent on the needs of the young people moving through and are not fully realised at this point in the project. Young people will require at least 6 months to prepare before they move in to their new homes and as such the level of support and requirements will become clearer at this point.

8. Legal Implications

8.1 The proposals contained in this report raise a number of legal issues that will need to be worked through in detail as part of the project.

8.2 Some of these areas will include the types of tenancy and licensing agreements utilised, as well as the requirements to support the young people to manage the properties.

9. Human Resources Implications

9.1 Subject to Cabinet approval, appointments will need to be made to a Project Manager and Project Officer (Participation Lead) post. This could be achieved through a secondment from inside the organisation or an external recruitment campaign.

9.2 A Project Manager Job profile has been developed and graded at a Band L. A Project Officer post has also been developed and costs projected are based on similar posts in RMBC and in those areas involved in the House Project.

9.3 The detail regarding this and any further recruitment will become clear once permission to proceed has been achieved. It is anticipated both posts will be offered on a fixed 3 year term basis in line with the duration of the contract.

10. Implications for Children and Young People and Vulnerable Adults

10.1. The Project intends to address the issues and difficulties facing young people (16-21 years) as they transition from a Regulated Placement into their own accommodation.

10.2. Early indications from the initial evaluation of 'Making a House a Home' Stoke's House Project published by DfE in March 2017 suggested that young people are settling into their new routines and homes and that participation in the project had been a valuable experience for them.

10.3. There are potential invest to save opportunities in terms of the placement decisions and costs associated with Looked After Children (LAC) placements and as young people move into adulthood.

11. Equalities and Human Rights Implications

11.1. Care Leavers are a distinct group within their peer group who face multiple adversities and challenges as a result of becoming looked after and then leaving the care of the authority.

11.2. This project seeks to redress these aspects by offering young people the opportunity to develop and manage an arrangement that supports them become active and full participants in society. It encourages equality of access and encourages opportunities to build self-esteem and belief. Young people will be the focus for the project and will lead the project with support from colleagues and partners across the borough.

11.3. Young people will be encouraged to consider equality of access to the project from within their own cohort of care leavers.

12. Implications for Partners and Other Directorates

12.1. The project requires close working with colleagues within the council from housing, finance and legal services. Strong relationships are already in place and this project will build on these relationships. Housing and finance colleagues have been heavily involved in the discussions for the project and consider it a project worthy of investigation.

12.2. There are developing relationships with external partners as a result of a focus on supporting more young people into education employment or training. Partners are keen to work with our young people and look at innovative ways to support this.

12.3. There are also existing and increasingly well established relationships with the Police, Adult Mental Health and adult social care as a result of the work routinely undertaken to support young people make safe and secure transitions as well as the management of risk. The service would utilise these relationships to develop the project and seek further support.

13. Risks and Mitigation

13.1 The projections outlined in Section 7 of the report have some element of contingency built in. However, as the payments are made on a phased basis there is no risk of any 'clawback' if RMBC decides not to progress to the next stage. Risks that may affect the financial projections are:

- Without the grant from the DfE the project would not be viable.

If the Council was to charge the appropriate social rent for the properties based on £344 per month, per property as opposed to a 'peppercorn rent' as suggested by the House Project the Council would incur additional costs of £41,282 per year reducing the potential savings achieved by the Project via reduced Out of Authority placements.

- If a young person left the project, this may in the short term affect the amount of rental income (18+). A rent arrears contingency has been identified while a new young person was ready to join the project.
- Changes to Housing Benefit rate (a 2% annual increase) is included in the projection, but any reduction to benefits would affect the long term viability on the Project.
- Any changes to the 100% Council Tax discount for Care Leavers would also affect the potential savings to be made by RMBC being achieved by reduced Out of Authority placements as a result of the Project.

13.2 A Risk Register along with an Impact Analysis is currently being developed.

14. Accountable Officer(s)

Mel Meggs, Acting Strategic Director of Children and Young People's Services
 Ian Walker, Head of Service – Looked After Children and Leaving Care
 Sharon Sandell – Service Manager Leaving Care

Approvals obtained on behalf of:-

	Named Officer	Date
Strategic Director of Finance & Customer Services	Michael Wildman	21.05.2018
Assistant Director of Legal Services	Neil Concannon	21.05.2018
Head of Procurement (if appropriate)	N/A	N/A
Assistant Director of Human Resources (if appropriate)	Amy Leech	22.03.2018

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Guiding Principles

Young people are equal partners of a local solution to sourcing and providing safe, stable and secure homes for young people.

This is an approach allowing a gradual exit from care and supports young people to move when they have the skills and are ready to move.

Participation in the project sees young people build skills and knowledge that support their development into adulthood.

The fundamental core beliefs and aims of the project are that young people should;

Have their own home and the support of a community for as long as they need it.

Take ownership of decisions affecting their own lives, their property and the development of the business.

Gain independence and the skills to support themselves emotionally and financially through the support they need when they need it.

Take responsibility for keeping themselves safe, looking after others and the project.

APPENDIX B

Governance Arrangements for the House Project

National Board

There are two separate arrangements occurring simultaneously. The first is the development of a National House Project Organisation, the purpose of which is to seek to support individual Local Authorities set up and run their own independent and individual house projects. In effect it becomes an advisory body.

At the current time this National Board is being set up. As an interim arrangement there is a steering group which is working to determine the arrangements for the National Board to become a standalone enterprise. It is anticipated this National Organisation will become a Charitable Incorporated Company (CIC). Initial seed funding has been provided by the DfE Innovation Fund with a view that after 3 years this organisation should be self-supporting and able to access funding and grant streams as a result of its charitable status.

The steering group is currently chaired by Warwickshire as the lead House Project. Recent appointments to the National Project include a National Director and a Head of Social Care. This should now see the arrangements for the National Project pick up pace. It is understood that the newly appointed National Director for the House Project was one of the strategic leads from Stoke on Trent. This secures the knowledge and expertise from the original project into this new phase.

Until the CIC is in place it is the Steering Group that will provide the priorities to the National Director. Rotherham can be part of the Steering Group should it agree to become part of the project.

The second element is supporting up to 5 local authorities develop their own House Projects.

The 5 areas which have been approached are;

- Warwickshire
- Oxfordshire
- Doncaster
- Islington
- Rotherham (subject to approval)

The DfE Innovation Fund has also provided funding for each organisation to set up the project in their own areas. This enables each area to consider how the principles of the project could be implemented locally while taking into account local conditions. The funding is available over 3 years and allows Local Authorities the time and space to explore the feasibility of the project in their areas.

National to Local Governance Arrangements

Key to making the project a success will be projects learning together, sharing information and bringing young people together.

Current support arrangements are in the process of being developed but are expected to include:

Executive Board – made up of the strategic leads for each project from each of the 5 areas. It is anticipated that this group would meet quarterly. Chaired currently by the Lead Local Authority – Warwickshire.

Project Leads Group – this is made up of the operational leads from each of the authorities. It is anticipated this group would meet monthly.

Young Persons Steering Group – A necessary requirement given this is a project run by young people for young people. The arrangements for this are still being negotiated.

The Executive Board will feed in to the national steering group/ CiC and determine immediate priorities until the CiC is self-sustaining.

Local Governance Arrangements in Rotherham

The learning from Stoke is suggestive that RMBC will develop a young person's project board.

There would also be a project board of employees from the Council and partners who are implicated in this project to support young people in their decision making and to carry the risk.

RMBC would appoint a Project Manager to focus on the delivery of the project and support young people in their decision making.

RMBC would also appoint a Project Officer who certainly in the initial phases of the project would be the lead participation worker.

The young person's board will be the place decisions are made. The officer board is there to advise on options, debate some of the decisions and conversations with young people and empower and encourage them to make decisions.

The initial stages of the project will see that the young person's board, with the officer board, remain within the local authority.

4.1 The Governance arrangements as well as having access to colleagues who originally developed the project and who are still involved in managing the project suggests that RMBC would be able to access expertise and advice at every stage of the implementation and development from the National Board. Legal Services will be invited to participate in the project and become part of the management board supporting young people in their decision making.

This assurance from Warwickshire has been key in preliminary discussions as to how RMBC could become a part of the project and to date there is evidence of their support and engagement in the questions and issues raised by RMBC.

Summary Sheet

Name of Committee and Date of Committee Meeting

Cabinet and Commissioner Decision Making Meeting – 11 June 2018

Report Title

Rotherham Local Plan: Adoption of the Sites and Policies Document

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Damien Wilson, Strategic Director, Regeneration & Environment

Report Author(s)

Andy Duncan, Planning Policy Manager
01709 823830 or andy.duncan@rotherham.gov.uk

Helen Sleigh, Senior Planning Officer
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Ward(s) Affected

All wards.

Executive Summary

The report seeks approval for the Sites and Policies Document to be referred to Council for formal adoption as part of Rotherham's Local Plan. The document has been examined by an independent Planning Inspector and found to be "sound" subject to some changes. The Inspector's final report sets out these changes, known as Main Modifications.

Recommendations

1. That the Inspector's final report and the recommended Main Modifications be noted.
2. That the Sites and Policies Document, as modified, be referred to Council for formal adoption as part of the Development Plan for Rotherham.

List of Appendices Included

Appendix 1 The Inspector's final report on the examination of the Sites and Policies Document (including the recommended Main Modifications).

https://www.rotherham.gov.uk/localplanexamination/downloads/file/893/rotherham_sites_and_policies_dpd_inspectors_report_and_appendix

Appendix 2 Publication Sites and Policies Document (the version submitted for examination)

http://www.rotherham.gov.uk/localplanexamination/downloads/file/2/sd02_publication_sites_and_policies_-_september_2015

Appendix 3 Schedule of Minor Modifications to the Sites and Policies Document

http://www.rotherham.gov.uk/localplanexamination/downloads/file/891/rmbc075_schedule_of_minor_modifications

Background Papers

The Rotherham Sites and Policies Document examination website provides further detail of the process and hosts all related documents.

<http://www.rotherham.gov.uk/localplanexamination>

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

Yes

Exempt from the Press and Public

No

Rotherham Local Plan: Adoption of the Sites and Policies Document

1. Recommendations

- 1.1 That the Inspector's final report and the recommended Main Modifications be noted.
- 1.2 That the Sites and Policies Document, as modified, be referred to Council for formal adoption as part of the Development Plan for Rotherham.

2. Background

- 2.1 The Council is preparing a Local Plan for Rotherham. This is the Development Plan for the Borough. This is both a statutory requirement and a pro-active approach to meeting the need for new homes and jobs, promoting economic growth and continuing the regeneration of the Borough. The Local Plan underpins other key Council strategies, such as the Economic Growth Plan and the Housing Strategy.
- 2.2 The two key documents contained within the Local Plan are the Core Strategy (adopted September 2014), and the supporting Sites and Policies Document.
- 2.3 The Sites and Policies Document allocates land to meet the targets for new homes and jobs, fixed in the adopted Core Strategy. Most new development proposed will be focused in the Rotherham Urban Area (including at Bassingthorpe Farm) and the three Principal Settlements for Growth at:
 - Wath upon Dearne, Brampton Bierlow, West Melton
 - Dinnington, Anston and Laughton Common, and
 - Bramley, Wickersley and Ravenfield Common.

3. Key Issues

Inspector's final report

- 3.1 During 2016 and 2017, a Government Inspector has carried out an independent examination of the Sites and Policies Document. The Inspector issued his final report to the Council in April 2018, setting out his conclusions. He has taken into account the Council's evidence, and submissions from others, and decided that limited changes to the plan are required to make it sound and able to be adopted in due course. "Sound" means that the plan is positively prepared, justified, effective and consistent with national policy.

- 3.2 The Inspector’s changes (known as “Main Modifications”) are set out in his final report, which is available at **Appendix 1**. The Publication Sites and Policies Document (the version submitted to the Secretary of State for independent examination) is available at **Appendix 2**. Officers have also identified a number of minor changes and updates required to the document during the examination. The Inspector has confirmed these do not affect the soundness of the plan and can be changed as Minor Modifications, before publication of the adopted version. This Schedule of Minor Modifications is available at **Appendix 3**.
- 3.3 The Inspector’s final report has been published on the Council’s Local Plan examination website and interested parties have been notified. The examination is now closed.
- 3.4 The Inspector’s changes are fairly limited and he has accepted almost all of the proposed development sites in the plan. Key highlights are:

All legal requirements met	The Inspector has confirmed that the plan meets all the legal requirements, such as compliance with the local development scheme, consultation requirements, duty to cooperate, sustainability appraisal, habitats regulations assessment, national planning policy (NPPF), and the relevant Act and Regulations.
Vast majority of sites accepted	Nearly all the development sites proposed in the plan have been accepted by the Inspector. These can now come forward to provide the new homes and jobs the Borough needs.
Windfalls accepted as housing supply	Windfalls are new homes built on unallocated sites. Being able to include windfalls as additional flexibility in meeting the housing target avoids allocating more land.
New Green Belt land at Thorpe Hesley	Land at Thorpe Hesley has been protected by including it in the Green Belt.
Gypsy and Traveller needs met	The plan’s proposals to meet Gypsy and Traveller needs have been accepted by the Inspector.

Promoting growth

- 3.5 Adoption of the Sites and Policies Document, and the release of development land, will give a boost to the new homes and jobs the Borough needs. Over the plan period from 2013 to 2028, the plan provides for:

83 sites for new homes	Along with existing planning permissions, and housing sites under construction, these new sites will provide enough land for 958 new homes a year to meet the Core Strategy target of around 14,000 new homes over the plan period. Some other sites allocated for mixed use will also provide some housing.
36 sites for employment use	These employment sites allow for expansion and inward investment to potentially create around 21,000 new jobs over the plan period. This includes two sites identified as part of the Bassingthorpe Farm Strategic Allocation, a Special Policy Area at the former Maltby Colliery and three sites for mixed use development which will contribute towards the employment land requirement.
1 site for Gypsy & Traveller use	This allocated site meets the need for Gypsy and Traveller provision identified for Rotherham.
Bassingthorpe Farm	Within the plan period, Bassingthorpe Farm should deliver over 1,100 new homes and 11 hectares of employment land. In total, this strategic site will eventually provide around 2,400 new homes.
Waverley New Community	The plan allocates Waverley as a Special Policy Area. It should continue to deliver around 180 new homes a year during and beyond the plan period. The site has planning permission for 3,890 new homes, of which 750 have been built to date.
Safeguarded land	In addition to these development sites, there are 15 areas identified as “safeguarded land”. This is land taken out of the Green Belt but held in reserve and not developed in this plan period, i.e. not before 2028. Identifying safeguarded land helps to retain the Green Belt boundary beyond the plan period. Any consideration of safeguarded land for development would require a review of the Local Plan.

Protecting the environment

3.6 Along with promoting growth, adoption of the plan will also help protect the Borough’s environment. The Sites and Policies Document contains development management policies grouped under seven themes designed to meet the main aims of the Core Strategy, these are:

- To implement a strategy that **delivers new development in sustainable locations.**

- To deliver housing developments which **create mixed and attractive places to live**.
- To support developments, including business, industry, retail, leisure and tourism which **support a dynamic economy**, including Rotherham's network of retail and service centres.
- To **support movement and accessibility** within Rotherham through successful public and private transport networks, as well as encouraging walking and cycling.
- To **manage the natural and historic environment** to protect and enhance Rotherham's green infrastructure, bio and geo-diversity and water environments, as well as guide minerals related development and deal with flood risk.
- To **create safe and sustainable communities** by supporting safe, healthy, sustainable and well-designed places, as well as the delivery of renewable energy and appropriate community facilities.
- To **ensure that the necessary new infrastructure is delivered** to support the plan's spatial strategy and that decisions are taken with regard to the national presumption in favour of sustainable development.

4. Options considered and recommended proposal

Option 1: The Council adopts the Sites and Policies Document as modified by the Inspector's Main Modifications

- 4.1 The Council has received the Inspector's final report, setting out the Main Modifications required to make the plan sound. The Council can now proceed to adopt the plan as modified. The Sites and Policies Document will then become part of the statutory Development Plan for Rotherham.
- 4.2 Adoption of the plan will enable the release of the development sites chosen by the Council as the most appropriate to promote the sustainable growth of Rotherham. This will significantly boost the supply of new homes and jobs that Rotherham needs and support the delivery of the Council's Economic Growth Plan and Housing Strategy. Crucially, it will also help ensure a five year supply of housing land to protect the Council against speculative development on other non-preferred sites.
- 4.3 Adoption of the plan will also bring into force the development management policies designed to protect and enhance the environment. This policy protection is required to complement the plan's growth ambitions and ensure new development is delivered in a sensitive manner.

Option 2: The Council does not adopt the Sites and Policies Document

- 4.4 The Inspector's Main Modifications are required to make the plan sound and enable the Council to adopt it in due course. The Council could, however, decide not to accept these changes and not adopt the plan.
- 4.5 The Inspector's Main Modifications are required to make the plan sound. Without making these changes the Council cannot legally adopt the plan. Not accepting the changes and not adopting the plan would lead to uncertainty in the determination of planning applications. It would restrict the Council's ability to provide for the new homes and jobs the Borough needs. It would risk diverting the inward investment the Council seeks to secure for Rotherham. This could give rise to the following situations:
- **Failure to provide new homes** – It would be impossible to achieve Rotherham's new homes target without adopting the Sites and Policies Document. The target of 958 new homes a year is fixed in the adopted Core Strategy in 2014, and supported by the Strategic Housing Market Assessment (SHMA).
 - **Failure to deliver new jobs** – The Rotherham Economic Growth Plan includes a target to increase the amount of industrial and commercial floor space in the Borough. A lack of suitable new space is a barrier to businesses growth and investment when companies are unable to find the premises they need to locate and grow in Rotherham.
 - **Loss of planning appeals on greenfield and Green Belt sites** – The Council would not be able to demonstrate a five year supply of housing land. This would result in a significant risk of losing planning appeals on speculative development on greenfield and potentially on Green Belt sites, as has recently been demonstrated (e.g. the Council's refusal of a residential application at Blue Mans Way, Catcliffe was won on appeal due to the lack of a five year supply). The wider risk is that the Council is unable to direct the housing needed onto properly planned and sustainable sites; and that the lack of developer certainty in the absence of an up-to-date Local Plan harms overall housing delivery.
 - **Loss of planning appeals on Gypsy and Traveller sites** – The Council would not be able to demonstrate adequate provision for Gypsy and Traveller needs. This would expose the Council to the risk of losing planning appeals on speculative Gypsy and Traveller sites. The Council has recently successfully defended an appeal on a proposed Gypsy and Traveller site in the Green Belt at Aston, partly due to the fact that the Sites and Policies document allocates a preferred site for Gypsy and Traveller needs.

- **Risk of intervention by the Secretary of State** – The Secretary of State has a default power under section 27 of the Planning and Compulsory Purchase Act 2004 (as amended) to prepare or revise and approve a development plan document for a local planning authority. If the Secretary of State considered that the Council were “failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document”, he has the power to impose a plan on the Council. The Council would also have to fund this intervention.

Recommended proposal

- 4.6 Option 1 is recommended, so that the Sites and Policies Document, as modified, is referred to Council for consideration for adoption.

5. Consultation

- 5.1 The Sites and Policies Document has been subject to extensive public consultation, over a number of years. Consultation has been tailored to each stage of the process but has typically involved a variety of methods, including press adverts, radio interviews, letters, emails, public drop-in sessions, member and parish briefings, web content, and hard copies in libraries. The Inspector has concluded that the Council has complied with all the legislative requirements on consultation.
- 5.2 At each stage of plan preparation, officers have considered both the results of public consultation and the ongoing Integrated Impact Assessment (IIA) of the draft plan. Where consultation comments and the IIA have raised material planning considerations, officers have made appropriate changes to the draft policies and site allocations.
- 5.3 Following approval by Council, the Sites and Policies Document was submitted to central Government on 24 March 2016 (Council Meeting 16/9/15, minute 55 refers). The document has been examined by an independent Planning Inspector appointed by the Secretary of State. Public hearings for the examination were held from July to December 2016.
- 5.4 After the hearings, the Inspector required the Council to identify and consult on additional housing sites in the Wath upon Dearne, Brampton Bierlow, and West Melton area. This was to remedy a shortfall against the Core Strategy housing target for this area that came to light as part of the examination. This consultation was approved by Cabinet (Cabinet 26/6/17, minute 8 refers) and was carried out between 3 July and 14 August 2017.
- 5.5 Having held a further hearing session on 19 October 2017 to consider the comments made on the Wath area consultation, the Inspector accepted the two additional housing sites consulted on and included them in his Proposed Main Modifications.

5.6 Consultation on the Inspector's Proposed Main Modifications was approved by Cabinet (Cabinet 11/12/17, minute 88 refers) and was carried out between 8 January and 19 February 2018. All comments received on this consultation were forwarded to the Inspector.

6. Timetable and Accountability for Implementing this Decision

6.1 The Inspector has considered all duly made representations to the Proposed Main Modifications consultation and taken them into account when writing his final report. The report recommends that the Sites and Policies Document can be made sound, by applying the Main Modifications set out. The Council is now able to proceed to adopt the Sites and Policies Document, as modified.

6.2 The timetable below shows the significant stages in the Local Plan process to date. Dates shown for future stages are indicative.

Date	Stage
2014	
September	Meeting of the Council adopted the Core Strategy
October/ November	Public consultation on the Final Draft Sites and Policies Document
2015	
September	Meeting of the Council approved publication and submission of the Sites and Policies Document
September/ November	Sites and Policies Document published for statutory six week consultation prior to submission to Secretary of State
2016	
March	Sites and Policies Document submitted to Secretary of State
July/ December	Inspector held public hearings to examine the plan
2017	
March	Council received Inspector's letter setting out Proposed Main Modifications to the plan, including the requirement to identify additional housing sites in the Wath upon Dearne, Brampton Bierlow, West Melton area
June	Council's Cabinet approved public consultation on additional housing sites in the Wath upon Dearne, Brampton Bierlow, West Melton area
July/ August	Public consultation for six weeks on additional housing sites in the Wath upon Dearne, Brampton Bierlow, West Melton area
October	Inspector held further public hearing on additional housing sites
November	Council received Inspector's letter confirming Proposed Main Modifications for public consultation
December	Council's Cabinet approved public consultation on the Inspector's Proposed Main Modifications

2018	
January/ February	Public consultation for six weeks on Proposed Main Modifications
April	Inspector issued final report to the Council confirming Main Modifications required to make the plan sound
June	Council's Cabinet to consider recommendation to Council to adopt the plan as modified
June	Meeting of the Council to consider adoption of the plan as modified

7. Finance and Procurement Implications

- 7.1 There are no specific implications associated with the decisions in this report. The costs associated with the adoption of the Sites and Policies Document will be approximately £2,500. This mainly relates to printing and postage costs and will be met from existing approved revenue budgets.

8. Legal Implications

- 8.1 The preparation of the Local Plan has complied with the relevant legislation and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Once adopted, the Sites and Policies Document will form part of the statutory Development Plan for Rotherham and will be used to guide the determination of future planning applications.
- 8.2 On adoption, the Sites and Policies Document will also replace the remaining saved policies of the Unitary Development Plan, which will be superseded in its entirety.
- 8.3 Article 3 of the Constitution sets out that the Development Plan is part of the policy framework. The approval or adoption of plans and strategies making up the policy framework is a function of the Council. As such, only a meeting of the Council can adopt the Sites and Policies Document, as it will form part of the Development Plan for Rotherham. Cabinet is asked to note the Inspector's final report and recommended Main Modifications. Cabinet is then asked to refer the Sites and Policies Document, as modified, to Council to consider its adoption as part of the Development Plan.
- 8.4 If the recommendations are accepted, the report to Council will recommend that the Sites and Policies Document, as modified by the Inspector's Main Modifications and the Minor Modifications, is adopted as part of the Development Plan for Rotherham. Council will then be asked to resolve that officers make the necessary changes to the Sites and Policies Document required by the Main Modifications, the Minor Modifications and any consequential changes to numbering, formatting and images prior to publication of the adopted Sites and Policies Document.

9. Human Resource Implications

9.1 There are no Human Resource implications arising from this report.

10. Implications for Children and Young People and Vulnerable Adults

10.1 There are no implications for Children and Young People and Vulnerable Adults arising from this report

11. Equalities and Human Rights Implications

11.1 An Equalities Impact Assessment has been undertaken during the preparation of the Sites and Policies Document as prescribed by legislation. This assessment has been considered by the independent examination as part of the Integrated Impact Assessment of the plan.

12. Implications for Partners and Other Directorates

12.1 Partners and other Directorates have been fully involved in the process of formulating the Local Plan.

13. Risks and Mitigation

13.1 The Council may be open to legal challenge should the Local Plan not be prepared in accordance with the relevant legislation and regulations. Legal advice has been sought at appropriate stages, to minimise any risks.

14. Accountable Officer(s)

Damien Wilson, Strategic Director of Regeneration & Environment

Approvals obtained on behalf of:

	Named Officer	Date
Strategic Director of Finance & Customer Services	Jon Baggaley	10/4/18
Assistant Director of Legal Services	Dermot Pearson	8/5/18
Head of Procurement (if appropriate)	Kay Handley	10/4/18
Head of Human Resources (if appropriate)	John Crutchley	10/4/18

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This report is published on the Council's website or can be found at:
<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Stage 2 - Detailed Proposals

This stage enables the shortlisted development partners to develop and finalise proposals and delivery packages for final evaluation.

Scoring Breakdown

The scoring breakdown for Stage 2 of the Forge Island Development Opportunity is set out in the table below.

Development Criteria	%
Project Delivery	5%
Proposal	60%
Development Proposal and Design Quality	40%
Timeline/Phasing	5%
Marketing, Letting and Sales Strategy	5%
Pre-let or end users	5%
Stewardship and management	5%
Financial Proposal	20%
Financial Development Appraisal	10%
Residual Land Value	5%
Funding Mechanism	5%
Legal arrangements	15%

Bid Requirements

The bid requirements for Stage 2 of the Forge Island Development Opportunity are as follows.

Task	Requirement
<u>Section 1: Project Delivery</u> Project Management, Proposed Team Structure and Personnel & Added value	Up to 4 pages, with two page CVs for team members. Completion of relevant sections.
<u>Section 2: Proposal</u> Development Proposal and Design Quality Timeline / Phasing Marketing, Letting and Sales Strategy Pre-let or end users Stewardship and Management	Up to 10 pages of A4 narrative together with masterplan/design plans & visualisations. Completion of Timeline / Phasing Table. Up to 4 pages. Completion of pre-let or end users section. Completion of stewardship and management section
<u>Section 3: Financial Proposal</u> Financial Development Appraisal Residual Land Value Funding Mechanism	Financial Development Appraisal with associated evidence. Completion of residual land value section Completion of funding mechanism section.
<u>Section 4: Legal Submission</u>	Agreement with, or amendments required to, Agreement for Lease and Lease documents.

Summary Sheet

Committee Name and Date of Committee Meeting

Cabinet and Commissioners' Decision Making Meeting – 11 June 2018

Report Title

Forge Island Development

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report:

Damien Wilson, Strategic Director of Regeneration and Environment

Report Author(s)

Tim O'Connell - Head of RiDO

01709 254563 or tim.oconnell@rotherham.gov.uk

Ward(s) Affected

Boston Castle

Summary

As agreed at Cabinet on 11th September 2017 the Council is currently out to the market to secure a development partner for Forge Island. Stage 1 of the process has been completed and the Council has invited three potential development partners to submit detailed development proposals. The deadline for proposals to be received is 29th June 2018.

To allow a scheme to progress as quickly as possible it is proposed that the Strategic Director of Regeneration and Environment in consultation with the Cabinet Member for Jobs & the Local Economy and the Strategic Director of Finance & Customer Services are given the appropriate authority to select a development partner from among the bids submitted in June.

In addition, authority is requested to complete outstanding property purchases at Riverside Precinct and to progress with the flood defence work required for development to take place.

Recommendations

1. That the decision to appoint a development partner for Forge Island and the terms of that appointment be delegated to the Strategic Director of Regeneration and Environment in consultation with the Cabinet Member for Jobs and the Local Economy.

2. That the Strategic Director of Regeneration and Environment be delegated authority to use the powers available to the Council to agree the purchase and terms of the leaseholds at Riverside Precinct and that funding for these acquisitions be provided from the Town Centre Investment scheme within the approved Capital Programme.
3. That, subject to an assessment of the financial viability of the proposed final terms of the development agreement, the Strategic Director of Regeneration and Environment, in consultation with the Strategic Director of Finance and Customer Services, be delegated authority to commit resources from the Town Centre Investment scheme within the approved Capital Programme to deliver a preferred scheme for the development of Forge Island.
4. That the Strategic Director of Regeneration and Environment, in consultation with the Strategic Director of Finance and Customer Services, be delegated authority to instruct Legal Services or a third party legal provider to negotiate and complete the necessary legal documentation to give effect to the recommendations above.
5. That approval be given to implement the flood defence works and the funding for implementation is taken from the allocated Town Centre Investment Scheme.
6. That Cabinet receive information on the Town Centre Investment scheme spend profile at appropriate trigger points.

List of Appendices Included

- Appendix 1 Forge Island Stage 2 Submission Requirements and Scoring Breakdown
Appendix 2 Exempt Appendix – Commercial Information

Background Papers

Rotherham Town Centre Implementation Masterplan, Cabinet Report 11th September 2017

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

*An exemption is sought for **Appendix 2**; under paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972 is requested, as this report contains sensitive commercial information with regards to costing for works and commercial agreements which could disadvantage the Council in any negotiations if the information were to be made public.*

It is considered that the public interest in maintaining the exemption would outweigh the public interest in disclosing the information, as the parties' commercial interests could be prejudiced by disclosure of commercial information.

Appointment of a Development Partner for Forge Island

1. Recommendations

- 1.1 That the decision to appoint a development partner for Forge Island and the terms of that appointment be delegated to the Strategic Director of Regeneration and Environment in consultation with the Cabinet Member for Jobs and the Local Economy.
- 1.2 That the Strategic Director of Regeneration and Environment be delegated authority to use the powers available to the Council to agree the purchase and terms of the leaseholds at Riverside Precinct and that funding for these acquisitions be provided from the Town Centre Investment scheme within the approved Capital Programme.
- 1.3 That, subject to an assessment of the financial viability of the proposed final terms of the development agreement, the Strategic Director of Regeneration and Environment, in consultation with the Strategic Director of Finance and Customer Services, be delegated authority to commit resources from the Town Centre Investment scheme within the approved Capital Programme to deliver a preferred scheme for the development of Forge Island.
- 1.4 That the Strategic Director of Regeneration and Environment, in consultation with the Strategic Director of Finance and Customer Services, be delegated authority to instruct Legal Services or a third party legal provider to negotiate and complete the necessary legal documentation to give effect to the recommendations above.
- 1.5 That approval be given to implement the flood defence works and the funding for implementation is taken from the allocated Town Centre Investment scheme.
- 1.6 That Cabinet receive information on the Town Centre Investment scheme spend profile at appropriate trigger points.

2. Background

- 2.1 On 11 September 2017 Cabinet resolved to adopt the Town Centre Masterplan and go out to the market to secure a development partner for Forge Island.
- 2.2 The importance of moving swiftly to appoint a development partner on Forge Island is clearly articulated in the Town Centre Masterplan and the process and timetable adopted reflects this urgency. A development brief for Forge Island has been released to the market, and from the responses received, three potential partners have been selected to submit detailed proposals.
- 2.3 The Forge Island Development comprises three sites:-
 - A) Forge Island Peninsula
 - B) Riverside Precinct
 - C) Former Magistrates Court

- 2.4 It is anticipated that any funding requirement to deliver the redevelopment of Forge Island or associated works will need to be managed from within the Town Centre Investment scheme in the approved Capital Programme.
- 2.5 The expected outcome of the development partner selection process is that the Council will notify of the appointment of a development partner during the week commencing 23 July 2018 and subsequently complete a legal agreement to lease Forge Island to the development partner. The agreement will include an option for the Council to take back the site if satisfactory progress is not made.
- 2.6 Key milestones, leading to the appointment of a development partner are shown below:

29 March 2018	Stage 1: Deadline for completed expression of interest submissions (completed)
02 April – 20 April 2018	Evaluation of Stage 1 submissions (completed)
w/c 23 April 2018	Notification of evaluation results (completed)
w/c 23 April 2018	Issue of invitation to bid (Stage 2) (completed)
29 June 2018	Deadline for completed Stage 2 submissions
25 June – 06 July 2018	Evaluation
w/c 23 July 2018	Notification of appointment of a development partner
w/c 03 September 2018	Confirmation of appointment and exchange of agreement

- 2.7 The Stage 2 submission requirements and scoring breakdown is attached at Appendix 1.

3. Key Issues

- 3.1 To meet the timetable set out in 2.6 above means the decision for a development partner is required between the 29th June and 23rd July. In order to ensure this timescale is adhered to it is proposed to delegate this decision as detailed in this report and in the recommendations.
- 3.2 In response to the aspirations for high quality and the catalytic impact that the Council wishes to see delivered from this development there may be proposals included in the Stage 2 submissions that have a financial cost to the Council. In selecting a development partner it will be necessary to include appropriate authority for the decision maker to commit resources from the approved Capital Programme. To avoid the potential to prejudice commercial negotiations with Stage 2 bidders the parameters of this delegation are set out in exempt Appendix 2.

- 3.3 There remain two units within the Riverside Precinct in the Council's ownership, with long leases in place; negotiations for purchasing these are progressing. It will greatly assist the process of negotiation if the authority is delegated to the Strategic Director of Regeneration and Environment to agree the terms for obtaining these leaseholds, and negotiate with leaseholders to obtain vacant possession.
- 3.4 At present the Forge Island peninsula and Magistrates Court area are at high risk of flooding, as such this creates risk for potential developer bidders. The cost of flood defence construction, viewed as 'abnormal development costs' by developers, will be reflected in the value of the site for development purposes.
- 3.5 The masterplan project delivery team have been working with the Council flood and drainage specialists to develop a potential flood defence scheme for Forge Island and as part of the Rotherham Renaissance Flood Alleviation Scheme (RRFAS). The scheme helps prevent flood water from the River Don entering the canal network, leading to flooding of key town centre infrastructure, particularly the rail and road network.
- 3.6 The Council are evaluating the option to undertake flood defence works ahead of development of the site to enhance the value of the site for development purposes, accelerate development and implement a key section of the RRFAS flood alleviation scheme for the town.
- 3.7 In undertaking the works the Council maintains control over the budget costs, the design and the functionality of the mitigation measure.

4. Options considered and recommended proposal

- 4.1 Recommended Proposal - to ensure the Council is able to progress the development expeditiously it is recommended that the decision to appoint a development partner is delegated to the Strategic Director of Regeneration and Environment in consultation with the Cabinet Member for Jobs and the Local Economy.
- 4.2 It is also recommended that the Strategic Director for Regeneration and Environment is given delegated authority to agree the price and terms for the purchase of leasehold interests at Riverside Precinct and, in consultation with the Strategic Director of Finance and Customer Services, delegated authority to commit resources from the approved £17m Town Centre investment funding within the approved Capital Programme to deliver a preferred scheme for the development of Forge Island. The limits of this delegation are described in the exempt Appendix 2.
- 4.3 It is also recommended that the Strategic Director of Regeneration and Environment, in consultation with the Strategic Director of Finance and Customer Services is given delegated authority to instruct Legal Services or a third party legal provider to negotiate and complete the necessary legal documentation to give effect to the recommendations above.

- 4.4 An alternative option is to call a special meeting of Cabinet between the 9th and 23rd July 2018 to confirm approval to progress with the use of a development partner for this project or to decide not to progress. The earliest date upon which the evaluation of Stage 2 bids will be complete is 6th July which will leave very limited time to prepare and publish papers.
- 4.5 A final alternative is to defer a decision to a later Cabinet meeting. The appointment of a development partner to realise the vision for Forge Island is a critical next step for the masterplan and delaying an appointment is not recommended.
- 4.6 Officers have explored a number of options for the implementation of flood defence works:

Option 1: The Council undertake flood defence works as soon as is practicably possible and ahead of the main development works on Forge Island. **This is the recommended option for the reasons set out in 3.6 and 3.7 above;**

Option 2: The Council transfer an agreed amount of funds to the successful development partner and it undertakes the flood defence works. This will mean that the Council loses some control over the design and construction costs for the works, and it will increase the delivery time of the overall scheme.

Option 3: The Council leaves the design and implementation of flood defence measures to the successful development partner to resolve. This will mean that the Council loses all control over the design and construction costs for the works, it will increase the delivery time of the overall scheme and the cost of the works will be reflected in the financial proposals received from development partners.

5. Consultation

- 5.1 There has been widespread consultation on the future of Forge Island as part of the Rotherham Town Centre Implementation Masterplan involving member and stakeholder workshops, public events, presentations and individual meetings. Most recently, progress was reported to the Improving Places Select Commission on 14th March 2018.

6. Timetable and Accountability for Implementing this Decision

- 6.1 The timetable for the appointment of a development partner and exchange of agreement is set out earlier in this report. It is expected the Council will give notification of the appointment of a development partner during the week commencing 23rd July 2018.
- 6.2 The Cabinet Member for Jobs and the Local Economy, the Strategic Director of Regeneration and Environment and the Strategic Director of Finance and Customer Services are responsible for implementing this decision.

7. Financial and Procurement Implications

- 7.1 The Council's Approved Capital Programme to 2021/22 includes a Town Centre Investment Scheme which had an original allocation of £17million for regeneration projects in the town centre. This includes the development of key strategic sites, such as Forge Island and enhancements to the leisure/night-time offer. Total spend against this scheme to the 31st March 2018 was £1.885m, leaving a balance of £15.115m. It should also be noted that the Council has received a 10-year interest free loan of £1.5m from Sheffield City Region in respect of the acquisition of Forge Island, the repayment of which represents a future capital commitment for the Council.
- 7.2 The exempt Appendix 2 provides additional financial information on the development and the proposed delegation arrangements.

8. Legal Implications

- 8.1 The process adopted for the selection of a Forge Island development partner is objective, open, fair and transparent. In designing this process the Council has taken specialist legal advice and will continue to do so throughout the appointment process to ensure that the Council does not depart from the requirements of this advice. In addition the Council has appointed the specialist legal advisors to conduct negotiations of the legal documentation to give effect to the appointment and obligations of the respective parties thereafter.

9. Human Resources Implications

- 9.1 There are no HR implications arising from this report.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 There are no implications for Children and Young People and Vulnerable Adults from this decision to delegate decision making in the selection of a development partner. However, the Town Centre Masterplan makes clear the important role the redevelopment of Forge Island will play in creating a town centre that is attractive to all users including young people.

11. Equalities and Human Rights Implications

- 11.1 None

12. Implications for Partners and Other Directorates

- 12.1 None

13. Risks and Mitigation

- 13.1 There are no specific risks arising from this report.

14. Accountable Officer(s)

Damien Wilson, Strategic Director of Regeneration and Environment
 Paul Woodcock, Assistant Director – Planning, Regeneration and Transport
 Tim O’Connell, Head of RiDO

Approvals obtained on behalf of:-

	Named Officer	Date
Strategic Director of Finance & Customer Services	Julie Copley	26.04.2018
Assistant Director of Legal Services	Lesley Doyle	26.04.2018
Head of Procurement (if appropriate)	N/A	
Head of Human Resources (if appropriate)	N/A	

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of the Local Government Act 1972.

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