

Title of Report	RIVER MEASE DEVELOPER CONTRIBUTION EXPENDITURE FOR CONTRACTORS COSTS ASSOCIATED WITH A SCHEME NEAR MEASHAM	
Presented by	Councillor Richard Blunt Leader of the Council	
Background Papers		Public Report: Yes
		Key Decision: Yes
Financial Implications	Up to £250,000 of Section 106 developer contributions to be authorised for groundworks contractor costs to deliver a large phosphate mitigation scheme in accordance with the Developer Contribution Strategy. This expenditure is available from Section 106 contributions secured by the Council and has been approved by the River Mease Programme Board.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	Contributions have been secured through Section 106 Agreements in accordance with the Councils approved Developer Contribution Strategy.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	None identified	
	Signed off by the Deputy Head of Paid Service: Yes	
Purpose of Report	To request Cabinet delegate authority to the Strategic Director of Place to award the Groundworks contract on receipt and evaluation of the tender submissions.	
Reason for Decision	The level of expenditure for the contract exceeds the authority level in the scheme of delegation.	
Recommendations	THAT CABINET DELEGATES AUTHORITY TO AWARD THE GROUNDWORKS CONTRACT TO THE STRATEGIC DIRECTOR OF PLACE IN CONSULTATION WITH THE PLANNING AND INFRASTRUCTURE PORTFOLIO HOLDER AND SECTION 151 OFFICER.	

1.0 BACKGROUND

- 1.1 The Developer Contribution Strategy (DCS) was set up in 2012 as a requirement of the Water Quality Management Plan for the River Mease Special Area of Conservation (SAC). The DCS requires contributions to be made for every development which contributes additional wastewater via mains sewerage treatment discharge into the River Mease SAC. The fund is then used for projects which reduce the amount of phosphate in the River Mease as mitigation to the development.
- 1.2 The overall cost for the delivery of all phosphate removal measures identified in DCS1 was calculated to be £640,000 and for DCS 2 it was £840,000. The Council has currently collected approximately £600,000 through Section 106 agreement contributions. Trent Rivers Trust (TRT) were contracted in 2019 to deliver these mitigation schemes using the DCS funds to deliver the actions identified in DCS1 and DCS2. In that time TRT have developed a number of schemes within the catchment with some delivery taking place from 2020 with phosphate reductions starting to be made.
- 1.3 A large sediment trapping scheme has been developed near Measham which has the capacity to collect high levels of phosphate to be removed from the catchment as an appropriate DCS mitigation. The scheme is proposed to be delivered between July and September 2021, the timing is dictated by the fish breeding season as in channel works are restricted in these periods. The scheme will require 10-12 weeks for delivery working to specific methods to avoid negative impacts on the SAC.
- 1.4 The scheme has been approved by the River Mease Programme Board whose members include Natural England, Environment Agency, Severn Trent Water, the local planning authorities from North West Leicestershire, South Derbyshire, and Lichfield District Councils, as well as Trent Rivers Trust.
- 1.5 The large scheme will be a flagship scheme for the DCS. It will be one of the larger schemes to be delivered and will achieve delivery and conservation objectives for the DCS, the River Mease Water Quality Management Plan (WQMP). The WQMP is the strategy set out under the Habitats Directive to reduce phosphate levels within the River Mease, and is what led to the development of the DCS.

2.0 PROCUREMENT AND FINANCIAL IMPLICATIONS

- 2.1 A Public Contracts Regulations 2015 and Councils Contract Procedure Rules compliant tender is underway to appoint a groundworks contractor to deliver the scheme between July and September 2021. The estimated fees to be submitted in the tenders is in the region of £150,000 - £250,000. This is a contract value which exceeds officer delegations within the constitution.
- 2.2 Tenders were submitted at the end of May and are currently being evaluated. Due to the tight timescale working delivery around the ecology restrictions, delegated authority to the Strategic Director of Place is sought in consultation with the Portfolio Holder and Section 151 officer to award the contract to the winning tenderer so that delivery can commence in July 2021.
- 2.3 The expenditure is from the Developer Contribution Fund that is collected from developers specifically to fund mitigation projects of this nature.

3.0 NEXT STEPS

- 3.1 If Cabinet agree the expenditure for this mitigation scheme, tenders will be evaluated and the winning contract awarded subject to the agreement of the Strategic Director of Place, Planning and Infrastructure Portfolio Holder and Section 151 Officer.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> - Our communities are safe, healthy and connected - Local people live in high quality, affordable homes - Supporting businesses and helping people into local jobs - Developing a clean and green district
Policy Considerations:	<p>Contract Procurement Rules within the Councils Constitution</p> <p>Conservation of Habitats and Species Regulations</p> <p>Developer Contribution Schemes (DCS1 and DCS2)</p>
Safeguarding:	None identified
Equalities/Diversity:	None identified
Customer Impact:	None identified
Economic and Social Impact:	None identified
Environment and Climate Change:	<p>Phosphate reductions leading to improvements in water quality of River Mease SAC; an objective of the DCS, Water Quality Management Plan, Water Framework Directive and River Mease Restoration Plan.</p> <p>Biodiversity benefits from habitat creation and restoration of the watercourse and the floodplain wetland.</p> <p>Increased resilience of the river to deal with impacts of Climate Change.</p> <p>The scheme will increase flood storage on the site through increased floodplain connection, with potential minor flood alleviation affects downstream in Measham.</p>
Consultation/Community Engagement:	<p>Consultation with Environment Agency, Natural England, Local Planning Authorities, Lead Local Flood Authorities, and Local Landowners has taken place and all parties and stakeholders are supportive of the scheme. The scheme has the approval of the River Mease Programme Board.</p>

Risks:	If this scheme does not progress, there is the possibility that the Council will be criticised for securing S106 contributions to allow new development to proceed without delivering on the required mitigation measures to meet the River Mease SAC conservation objectives.
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