

CABINET

20 March 2018

ST GEORGES BARRACKS – POTENTIAL ACQUISITION AND DEVELOPMENT OF THE OFFICERS MESS

REPORT OF THE CHIEF EXECUTIVE

Strategic Aim:	Delivering Sustainable Growth, Supporting the population of Rutland in achieving their full potential and a balanced Medium Term Financial Plan.	
Key Decision: Yes	Forward Plan Reference: FP/221117	
Exempt Information	Yes: This report contains exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).	
Cabinet Member(s) Responsible:	Cllr Oliver Hemsley, Leader and Portfolio Holder for Rutland One Public Estate & Growth, Tourism, & Economic Development and Resources (other than Finance and Communications)	
Contact Officer(s):	Andrew Edwards, Head of Property Services.	Tel: 01572 758391 Email: aedwards@rutland.gov.uk
Ward Councillors	Cllr K Bool Cllr G Waller	

DECISION RECOMMENDATIONS

That Cabinet:

1. Authorises the Chief Executive in consultation with Leader and Portfolio Holder for Rutland One Public Estate & Growth, Tourism, & Economic Development and Resources (other than Finance and Communications) and Director of Resources to enter into negotiations to acquire the Officers Mess Site on a conditional basis which are set out in Section 3.

2. Approves the release of up to £850k of funds from capital receipts to support the redevelopment of the Officers Mess Site at St Georges Barracks up to the point where tenders are received from contractors for the development works.
3. Authorises the Chief Executive in consultation with the Leader and Portfolio Holder for Rutland One Public Estate & Growth, Tourism, & Economic Development and Resources (other than Finance and Communications) and the Director of Resources to determine a procurement route, award criteria and if a suitable supplier or suppliers are identified move forward and award a series of contracts for all works necessary to develop the proposals at 'The Officers Mess' up to the point prior to the issue of tenders for the contractor that will deliver the works element of the project.

1 PURPOSE OF THE REPORT

- 1.1 To obtain Cabinet endorsement to move forward to agree an option for the acquisition of the Officers Mess Site (part of St Georges Barracks) subject to final Council Agreement.
- 1.2 To release capital receipts of up to £850k that will test the financial viability, undertake risk mitigation surveys and develop the design to a point where it is practicable to issue tenders to potential contractors who will build the units.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 In November 2016 the Ministry of Defence (MOD) made the decision to close St Georges Barracks during 2021.
- 2.2 The MOD and RCC have signed an innovative Memorandum of Understanding (MOU) – the first of its kind in the Country – to work together in a Public/Public partnership to deliver joined up de-risking, master planning and development of the site.
- 2.3 St Georges Barracks is a 300 Hectare brownfield site with enormous potential in an accessible and attractive location. It gives an opportunity to deliver a 1,500 – 3,000 homes in a 'Garden Village' at pace alongside an Enterprise Zone and an area for enhanced leisure and recreation.
- 2.4 Essential in taking this development forward will be the development of the Officers Mess site. This is a brownfield site (4 Hectares) adjacent to St George's Barracks but entirely separate. The proposal is that the Council acquires this site and takes forward the development outside of the main St Georges project.
- 2.5 There are a number of reasons for taking this approach:
 - It will allow the Council to take control of the design and build quality which will help set expectations for the main St Georges project.
 - The site will be used to build confidence with the local community regarding future developments of the Officers Mess and main St Georges Project.
 - It will bring forward housing that will build out quickly. Effectively, c70 homes could be completed by June 2023 or earlier if the Army are able to vacate St

Georges or the Officers Mess before 2021. Alternatively it could be included as a site within the main development of St George's Barracks. If this approach is adopted then it is unlikely that that housing will be delivered prior to April 2025.

3 PROJECT PROGRAMME

- 3.1 This project will be split into a number of phases which will in some instances run concurrently. The Flowchart at Appendix A sets out how the various phases will work together and where the formal approvals are required. An overall project plan is attached at Appendix B which identifies the shortest timescales possible. The programme will be adjusted to meet the actual release date from the MOD when known
- 3.2 It should be noted however informal consultation has already started regarding the development of The Officers Mess as part of the overall consultation on St Georges Barracks. This will be fed into the master planning process for The Officers Mess. Consultation will formally take place during the development of the plans for the development of the site with Statutory Consultees and the Community as set out in the High Level Programme at Appendix B, and will in particular consider the proposals set out in the High Level Masterplan.

Phase 1: Acquisition of the Officers Mess Site

- The MOD has indicated that they may release this part of the site prior to formal closure of St Georges Barracks. Before RCC can move forward it will be necessary to have some clarity on the future value. It has been agreed by both parties that the District Valuer will undertake an initial valuation, but this will be revisited prior to the formal transfer of the site to RCC later in the project.
- As part of the Site Investigations (Phase 2) and Design Development (Phase 3) consideration will be given to the levels of contamination and other factors that will influence the development costs of the site. As part of the 'Option' agreement and eventual contract of sale it will be clear that the cost of any remediation work or other factors that influence development costs will be borne by the MOD.
- The land will be transferred to RCC at a suitable point provided that a number of conditions will be met. These will include:
 - i) Financial viability of the development
 - ii) Vacant possession
 - iii) The land value is acceptable to RCC, taking into account mitigation costs.
 - iv) Any 'clawback' and 'buy-back' provisions required by the MOD are acceptable to RCC
 - v) The MOD are able to sell the site free from encumbrances and/or are able to provide a satisfactory indemnity to RCC against any factors that could impact on the ability to develop the site.

Phase 2: Site Investigations and Risk Mitigation

- With any site of this nature it will be necessary to undertake a series of surveys to fully determine the scope and extent of any works that could have an impact on the overall costs. Typically surveys will consider but not be limited to:
 - Asbestos
 - Ground Contamination
 - Ground Conditions
 - Wildlife – in particular roosting bats, badgers, flora and fauna
 - Archaeology
 - Services and utilities
- This phase will also include:
 - i) The development of the initial Masterplan that will confirm that the site can support the intended residential density and confirm the initial viability of the proposals.
 - ii) An Initial Feasibility Report that will confirm that the proposals set out in this report, including financial viability are realistic and can be achieved.
- These will take place early in the development process to inform the final costs and also aid the design process. Costs for the completion of these works are included within the overall request of £850k.

Phase 3: Appointment of the Design Consultant and Design Development.

- Given the nature of this project it is proposed that the lead designer is appointed via a design competition. This will ensure that we encourage innovative design approaches that will provide an iconic design solution that sets the standard for the rest of the development. Planning will be engaged early in the process to ensure that the design standard and quality is set. This 'design standard' could form the basis of the whole development at St Georges. It is currently anticipated that this will transfer across to the MOD for them to use in procuring the development of the St Georges Barracks.
- To secure this service it will be necessary to develop a brief that will form part of the formal tender package. The selection criteria will be based on the design solution together with a value for money assessment. The development of the design brief will require additional resources and these are included within the funding request of £850k
- Included within the proposal will be costs to undertake all Project Management and Supervision tasks during the length of the project.

- Before proceeding to the appointment of the Development Contractor (Phase 4) it is anticipated that due to financial constraints an additional report will be required for Cabinet and Council as the design fees will exceed £1m. It should be noted that this will be one of the 'Gates' in the development process and should the project not meet the defined criteria then it will progress no further.
- The final mix of units (market, affordable, rented, etc) will be determined as the design progresses and in accordance with the overall Council policy. The aim will be to provide a development that fits this location and surrounding area but also delivers a minimum of 30% affordable units.
- The Council has ambitions to exceed the 30% affordable homes as required by Planning Policy. However this is dependent upon support funding from Homes England (previously known as the Housing and Communities Agency). The Council continues to pursue this as a possible funding option.
- The development will offer mixed residential and included within the overall scheme will be a number of 'starter homes'.
- It is at this point we will seek to engage with the community to understand their ambitions for the site. We will hold a number of meetings with stakeholder groups to set out how we are taking the site forward and to understand and mitigate concerns. Where practicable these will be incorporated into the design.

Phase 4: Appointment of the Development Contractor

- The design and specification issued to the development contractor will be well developed. Whilst there will be scope for innovation on their part the documents will specify certain requirements that must be delivered including agreed site layouts and unit densities. This approach will ensure that the quality of the units not only exceeds minimum standards but also meets our expectations. RCC will control the site and since we have not transferred ownership densities, house types and numbers will remain as previously agreed.
- The appointment of the Development Contractor will be subject to a further report to Cabinet and Council seeking the release of funds, setting out the award criteria and seeking delegation to appoint the contractor.
- One consideration at this point will be the mechanism used to appoint the development contractor. There are 2 options available:
 - (i) A formal tendering exercise where the design is offered to the market and bids invited. Given the level of design we are proposing this approach will open up the project to both larger and small housebuilders who do not have standard designs or a design capability. The down side is that this will be a formal tendering exercise that will need to comply with EU procurement rules as it exceeds the works threshold of £4.5m

- (ii) The MOD will appoint a Land Sale Delivery Partner (LSDP) to take forward the development of St Georges. There is the potential for the LSDP to take forward the development of the 'Officers Mess' on our behalf. The disadvantage of this approach is that there is lengthy tendering process.

The formal recommendation to Cabinet and Council will be dependent upon a business case that considers the options, the benefits and costs and whether or not the LSDP appointment is at a point where the transfer of the Officers Mess site for delivery is realistic.

Phase 5: Marketing

- Key to the success of this project will be the targeted marketing of the site both inside and outside of the RCC area. As a result of this early in the development process a marketing specialist will be appointed to ensure that we target the relevant market segments.

4 CONSULTATION

- 4.1 Consultation has taken place internally with Senior Elected members, Finance and Legal Services. Comments are included within this report

5 ALTERNATIVE OPTIONS

- 5.1 In identifying alternative options for the site the overarching aims of the MOD must be considered. It has been clearly stated that the MOD is under a remit to:

- Maximise capital receipts to support the Defence Budget, and
- Support Central Government targets in the delivery of additional housing.

It is likely that the MOD will insist on these requirements in their disposal agreement to RCC should it proceed.

- 5.2 Given this the Council has considered the following alternative options:

- Use as a Hotel/Leisure Complex: Whilst there is an argument that additional facilities of this nature will be required as a result of the development of the main site these are best placed close to their point of use. In addition this option will not be supported by the MOD as it fails to meet their aims, i.e. additional housing and maximised Capital receipts
- Use as a recreational area. Activity of this nature in this area will generate noise that will be disruptive to the local population. However as above this option will not increase housing number or maximise Capital receipts.
- Not to acquire the site and to leave the MOD to develop. This option would depend upon planning policy to control development on this site. It is inevitable that the DIO will press for numbers of units in excess of those proposed by RCC due to the lack of Council Control.

- 5.3 The proposals set out in this report assume that we will use a 'Delivery-bid-build' system where a contractor bids on set of design and provides a fixed cost within

prescribed parameters. However as the design phase progresses other options will be considered. These will include:

- Construction Manager at Risk: Here the contractor would agree to deliver the number of units at a Guaranteed Maximum Cost
- Design and Build: The contractor undertakes the detailed design and builds the units for a fixed cost
- Cost plus Contracts: This is an open book approach where all costs are reimbursed plus a % profit.
- Integrated Project Delivery: This is an integrated team where both parties share the risks and rewards. All parties provide their expertise to deliver the project together and in line with shared objectives.
- Land Sale Delivery Partner: As outlined earlier in the report there is the potential to use the same physical delivery approach as the MOD. The potential of using this mechanism will be considered as the design progresses.

5.4 The above procurement options aim to give an indication of those available. Each has advantages and disadvantages specific to a particular project. They will be explored to ensure that the recommended solution offers the most commercially advantageous solution to the Council.

6 FINANCIAL IMPLICATIONS

6.1 Overall Business Case

6.1.1 The financial details and the business case are set out in exempt Appendix C as the information contained within the report could provide others with a commercial advantage. However in considering the costs and benefits of the project the following points should be noted:

- The costs and benefits are 'first-cut' figures at the initial stages. As the project matures they will be further developed, refined and tested
- There will be 'Gates' at which point the project will be tested against agreed criteria. At this point a go/no-go decision will be made and approval sought to proceed to the next stage.

Gate	Phase	Description
1	1	At agreement of initial valuation of the site
2	2	Completion of the initial feasibility study, masterplan and feasibility report.
3	3	Completion of 50% design
4	3	Pre-tender estimate
5	4	Receipt of tender from development contractor

These 'Gates' are also identified on the project programme at Appendix B.

- RCC will enter into an agreement with the MOD to acquire the land at some time in the future. This agreement may be a conditional contract that will require the MOD to sell the land and RCC to purchase subject to certain agreed conditions being met or an option agreement where RCC is able to require the MOD to sell if they serve notice on them to do so, and it would be RCC's decision whether or not to serve the notice. Typical conditions would include financial viability, vacant possession, clawback to the MOD, a development programme and a revised value depending on any additional works. The conditions will be agreed in negotiations between the MOD and RCC and approved by the Chief Executive in line with the recommendations in this report.
- The actual transfer of any funds would be at the point where RCC receive control of the land although there is the potential to stage the transfer of funds on a phased basis in line with the development of the site.
- RCC will have reasonable access to the site to undertake initial survey work.
- For the purposes of financial profiling it has been assumed that we will receive the site on the 1st April 2021. The programme attached at Appendix B considers the shortest time periods.

6.2 Financial risk

6.2.1 Undertaking a development project of this type carries risk. A high level risk register is attached at Appendix D. Examples of the types of risks are noted below:

- There is limited demand due to changes in the market and the Council is unable to sell homes developed quickly
- Property market dips so capital receipts generated are less than anticipated
- Build costs are more than expected due to site issues or external pressures

- Site acquisition costs are too great and do not give sufficient scope for a potential return.

6.2.2 These risks will be kept under review during the project and formally reviewed at the Gates identified in Paragraph 6.1.1

6.2.3 The initial £850k cost could be at risk should the Council not later proceed with the development. Importantly should the Council not proceed then it would need to assess whether costs incurred can be capitalised (paid for from capital receipts). If this is not the case then costs would be charged against the General Fund.

6.2.4 There may be an opportunity to recoup costs incurred e.g. site investigation surveys, planning fees, designs etc but this is not guaranteed. The opportunity to recover costs will be included within the agreement to acquire the site entered into with the MOD.

6.2.5 The above the 'Gates' will allow progress to be reviewed together with financial viability at various stages. This approach will ensure that should viability be in question the project can be put 'on-hold' until resolved. Resolution could involve changing the 'form' of development i.e. the mix of units or if necessary not proceeding.

6.2.5 It is anticipated that relatively early in the design process it will be possible to determine whether or not the scheme is viable thereby minimising the financial exposure of the Council.

6.3 Use of capital receipts

6.3.1 Presently, the Council has c£1m of capital receipts unallocated. There are various projects/schemes in the pipeline (e.g. planned maintenance programme for council properties) which could be funded by capital receipts but the Council has other resources available to fund such projects in the short term.

7 PLANNING CONSIDERATIONS

7.1 The site is outside the Planned Limit to Development but is a brownfield site in a sustainable location. This is similar to the Greetham Garden Centre site where planning permission was granted for housing as the site met the 3 dimensions of sustainable development, economic, social and environmental, as set out in Para 7 of the National Planning Policy Framework.

7.2 Policy CS6 of the Core Strategy sets out the criteria for developing redundant military bases. This states:

'The Council will seek to ensure that any re-use or redevelopment of former military bases or prisons is planned and developed in a comprehensive and co-ordinated manner. Proposals will be subject to a development brief or masterplan setting out the main requirements. This will form part of a supplementary planning document or development plan document to be prepared in consultation with the prospective developers and local communities.

The key requirements for any proposals are that they should:

- a) Re-use existing land and buildings and where appropriate minimise any built development on undeveloped airfield land;
- b) Not lead to undue disturbance to nearby local communities through traffic, noise, aircraft activity or other uses;
- c) Protect and where possible enhance the countryside and character of the landscape, natural and cultural heritage;
- d) Be accessed satisfactorily and not generate unacceptable traffic on the surrounding road network
- e) be accessible by public transport and include measures to encourage walking and cycling;
- f) Incorporate high quality design and construction including the need for energy efficiency, renewable energy and waste management.

- 7.3 The site is on the edge of the Edith Weston Conservation Area, the boundary of which runs along the opposite side of the road, where development would be required to respect the character and appearance of the Conservation Area, including views into and out of the area.
- 7.4 Whilst the grant of planning permission cannot be guaranteed, the indications are that there is a possibility that permission would be forthcoming based on the above circumstances and policies.
- 7.5 The Officer's Mess site is being put forward for consideration as an allocation in the new Rutland Local Plan. As part of this process the Local Plan team will be carrying out a site assessment of the suitability of the site for allocation. The Local Plan has already made significant progress, with a consultative Draft Local Plan published for consultation last summer. This plan made very little reference to the St George's site and did not indicate any of the site being allocated for development. Inclusion of the Officers Mess in the next version of the plan will therefore be the first opportunity people have had to formerly comment on it as an allocation in the Local Plan.
- 7.6 The next step in the preparation of the Plan will be the publication of a "pre-Submission" version. This should be the Council's final plan which it considers is "sound" and which will be submitted to the Planning Inspectorate for Examination. The Pre-submission consultation is a formal stage during which people are invited to make representations of objection or support based on prescribed "tests of soundness". The procedure for this is set out in Regulation 19 of the Local Plan Regulations. All representations made at this stage will be forwarded to the Planning Inspectorate for consideration as part of the Examination in Public.
- 7.7 It is currently anticipated that the Pre-Submission (Regulation 19) consultation will take place during the summer 2018 and that the plan will be submitted in the Autumn. Examination in Public is then expected to take place towards the end of the year.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 This report seeks the release of up to £850k of funding support the acquisition and development of the Officer Mess Site at St Georges Barracks. Since the procurement of the works will be in accordance with the Contract Procurement Regulations there are no Legal and Governance issues. . The eventual transfer of the land will be subject to formal valuation advice to ensure that the purchase is in accordance with best value.
- 8.2 As outlined earlier in the report it is anticipated that subject to meeting the conditions of the options and demonstrating viability it will be necessary to obtain further approvals from Cabinet and Council. In addition the project will also follow the previously approved Council Project Management Framework.
- 8.3 Cabinet will be asked to approve the award criteria for the development contractor and approve the appointment subject to acceptable bids. Council will be asked to release additional funding to complete the design development and also to fund the site development works by the development contractor.
- 8.4 There will be a RCC Project Board that will take forward the development of the project. This will be focussed on the operational aspects of the project, in particular progress, financial viability and resources. This Board will be constituted as follows:
- Cllr Hemsley (Chair & Leader and Portfolio Holder for Rutland One Public Estate & Growth, Tourism, & Economic Development and Resources (other than Finance and Communications))
 - Helen Briggs (Chief Executive)
 - Cllr Brown (Portfolio Holder for Regulatory Services Waste Management, Property Services, Culture & Leisure, and Finance including Revenues and Benefits and Internal Audit)
 - Cllr K Bool (Ward Member for Normanton)
 - Andrew Edwards (Head of Property Services)
 - Dee Rajput (Corporate Projects – Programme Manager)
 - Sav Della Rocca (Assistant Director - Finance)
 - Rachel Armstrong (Planning Officer)
 - Stacey Potter (Support Officer – Projects)
- 8.5 The overall development of the Project will report to the St Georges Project Delivery Board. This board considers the whole of the development – St Georges Main Site and the Officers Mess. It will be this board that will consider the viability of the project at the 'Gates' described earlier and make the decision as to whether the project is to progress or where appropriate make recommendations to Cabinet and Council.

8.6 The Project Delivery Board's Terms of Reference were agreed in May 2017. The Board is constituted as follows:

- Cllr Hemsley – Chair
- Helen Briggs – Deputy Chair.
- Debbie Mogg – RCC Director for Resources
- MOD Representation
- One Public Estate Representation
- GCGP LEP Representation
- Ward Member
- Stacey Potter – Clerk to the Board
- St Georges Project Support Teams
 - Andrew Edwards – Advanced Delivery
 - James Frieland – Commercial
 - Roger Ranson (Minerals, Advanced Delivery & Housing)
 - Robert Clayton (Minerals and Leisure)

8.7 The responsibility of the Board can be defined as:

- To agree the vision, objectives, programme and resourcing for the St George's project for recommendation to the Programme Board
- To agree the overall masterplan for the site for recommendation to the Programme Board
- On-going strategic oversight of the St George's Project
- Responsibility for the St George's budget and investment plan
- Approve and review the Terms of Reference for the St George's Project Support Teams
- To monitor progress and programme delivery across the St Georges project
- Approve recommendations to be made relating to the project to the ROPE Programme Board, Cabinet and Council.
- To sign off and expressions of interest, funding applications or submissions relating to the project for final agreement by the Programme Board
- To sign off any expression of interest, funding applications or submissions relating to the project.

- To sign off the MOU with the MOD.

8.8 The Project Delivery Board reports to the ROPE Programme Board which is chaired by Cllr Oliver Hemsley and has representatives from RCC, MOD, OPE and the GCGP LEP.

9 EQUALITY IMPACT ASSESSMENT

9.1 This reports seeks approval for the release of funds. There is no requirement for an EIA.

10 COMMUNITY SAFETY IMPLICATIONS

10.1 There are no Community Safety Implications

11 HEALTH AND WELLBEING IMPLICATIONS

11.1 There are no Health and Wellbeing Implications

12 ORGANISATIONAL IMPLICATIONS

11.1 There are no organisational implications

13 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

13.1 The recommendations set out in this report will allow the early progress and delivery of the Officers Mess site for housing. This will generate confidence in the local community, bring forward delivery, establish the design standard and deliver a surplus for RCC which can be reinvested into the Community.

14 BACKGROUND PAPERS

14.1 There are no additional background papers to the report.

15 APPENDICES

15.1 Appendix A – Delivery route and approval process flowchart

15.2 Appendix B – High Level Project Plan

15.3 Appendix C – Exempt Appendix

15.4 Appendix D – High Level Risk Register

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.