

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**CABINET**

**Minutes from the Special Meeting of the Cabinet held on
Monday, 20th November, 2023 at 4.30 pm in the Council Chamber, Town Hall,
Saturday Market Place, King's Lynn PE30 5DQ**

PRESENT: Councillor T Parish (Chair)
Councillors A Beales, M de Whalley, J Moriarty, C Morley, S Ring and J Rust

Apologies for absence were received from Councillors B Anota and S Squire

CAB58 URGENT BUSINESS**NAR OUSE REGENERATION AREA ENTERPRIZE ZONE : ROAD &
UTILITY CONTRACT COSTS ARISING FROM CONTAMINATION
ISSUES**

Following agreement with the Chair of Corporate Performance Panel this item was being considered as a matter of urgent business, not subject to call in. the detail is set out in the item below

**CIL APPLICATION - DECISION ON FACILITIES PROJECT AT ALL
SAINTS CHURCH, SOUTH LYNN.**

The Chair had agreed that this application be included in the consideration of the CIL items on the agenda.

CAB59 DECLARATIONS OF INTEREST

Councillor de Whalley declared a non pecuniary interest in the Hudson Fen Leisure Ltd, Grimston application which he had assisted in preparing, he spoke but did not vote thereon.

Councillor Parish declared a non pecuniary interest in the Heacham application.

Councillor Rust declared a non pecuniary interest in the West Norfolk Rugby Club application as she had attended events there.

Councillor Ring declared a non pecuniary interest in the West Norfolk Rugby Club application as a member of the club.

CAB60 CHAIR'S CORRESPONDENCE

None

CAB61 MEMBERS PRESENT UNDER STANDING ORDER 34

Councillor Bearshaw attended in person.

Councillor Blunt attended on zoom.

CAB62 **MATTERS REFERRED TO CABINET FROM OTHER BODIES**

It was noted that the CIL applications had been referred through from the CIL Funding Panel which had considered the items in detail.

CAB63 **COMMUNITY INFRASTRUCTURE LEVY (CIL) FUNDING APPLICATIONS**

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Cabinet was reminded that as part of the process to allocate CIL funding to Infrastructure Projects, CIL applications were invited in January and July annually. The most recent round of applications included a number of bids over £30k. The CIL Spending Panel had delegated powers to approve and sign off applications up to £30k. All applications of £30,001 and over fell to Cabinet to make the decision under the CIL Governance framework.

Cabinet's attention was drawn to the additional item agreed as urgent business by the Chair referred by the CIL Panel for the All Saints Parish Church application. This application was supported.

Cabinet gave consideration to the list of applications submitted by the CIL Panel. Councillor de Whalley moved an amendment on the applications from Grimston Hudson Fen and Snettisham Parish Council that they be awarded the full amount requested and that additional amount be taken from the Brancaster Coast Path application. There was no seconder for the amendment.

Councillor Moriarty spoke against the amendment referring to the detailed consideration given at the CIL panel when making its recommendations, and the funding they had previously received.

Under standing order 34 Councillor Blunt spoke against the amendment citing the detailed consideration given to each of the applications at the CIL Panel, and commented that no such comment was made at the time.

Cabinet members discussed the amendment and were content that having viewed the discussions made at the CIL Panel the recommendations should stand and the amendment not be supported.

On being put to the vote the recommendations set out in the report, and the additional item from All Saints Church were approved.

RESOLVED: That the applications for CIL Infrastructure Funding, including the item of urgent business on the All Saints Church application, be approved.

Reason for Decision

To ensure that the CIL monies collected are being spent on appropriate

infrastructure projects to reflect the growth of population occurring in West Norfolk.

CAB64 **EXCLUSION OF THE PRESS AND PUBLIC**

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RESOLVED: That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

CAB65 **NAR OUSE REGENERATION AREA ENTERPRIZE ZONE : ROAD & UTILITY CONTRACT COSTS ARISING FROM CONTAMINATION ISSUES**

In the event that it is intended to make a key decision at least 28 days before the Cabinet meeting is impracticable due to special urgency, the local authority obtain the agreement of the Chair of the relevant overview and scrutiny committee (Corporate Performance Panel) that the making of the decision is urgent and cannot reasonably be deferred (Regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012).

Councillor Dark, Chair of the Corporate Performance Panel had given agreement to this.

The matter will therefore not be subject to call in.

Cabinet considered the report which explained that the borough council had been progressing the Nar Ouse Regeneration Area (NORA) for many years and it had been one of its main, most significant, major projects. The road and utility infrastructure project on the Enterprise Zone element was perhaps one of the last major investments necessary in the site as, after completion, most of the site would be capable of sale and development.

In assembling, and taking control of, the land at the NORA site, the borough council had been aware of contamination issues, and had sought to mitigate these costs in the acquisition prices of the land. However, recent changes in regulatory requirements, particularly to remove a specific contaminant from site and its disposal in an appropriately licensed waste site, had caused costs to rise significantly.

The borough council needed to decontaminate/remediate the land to be able to complete the delivery of the road and other infrastructure. The report set out the issues, options considered and the cost

implications. These cost implications were already budgeted for within the council's Capital Programme.

Cabinet discussed the report, its cost implications along with those cost implications if the report was not dealt with as urgent business, the business rate proposals on the site and recommendations and agreed the recommendations contained within the report.

Cabinet thanked Councillor Dark for his pragmatism in agreeing the urgency factor.

RESOLVED: That the extension of scope on the existing road and infrastructure contract on the Nar Ouse Regeneration Area Enterprise Zone, to include the removal of the contamination in the Enterprise Zone area, including areas adjacent to the alignment of the road and utility works be approved. The additional costs of this contract extension will be covered by the existing NORA Remediation budget within the Capital Programme.

Reason for Decision

This decision is urgent as the road and utility construction contract is already underway, and there are significant risks associated with pausing and/or delaying this contract. If this decision is not taken in accordance with the recommendations, the contractor will need to cease works as they will not be able to comply with the requirements of the statutory regulator (Environment Agency) in respect of the contamination. This could lead to significant contractual dispute, cost and liabilities.

In addition to the above the new NHS Health Facility, currently under construction on the Enterprise Zone, is required to be open in March/April 2024. Delay in delivering the road and utility infrastructure could impact upon this.

The road and infrastructure delivery will open-up a significant swathe of development land that can be sold for capital receipts and encourage private sector investment and job creation. This site will have a potentially significant financial contribution to make to the King's Lynn & West Norfolk local economy.

The meeting closed at 5.12 pm