

Cabinet

Wednesday 7 July 2010

7.00 pm

Town Hall, Peckham Road, London SE5 8UB

Supplemental Agenda No.1

List of Contents

Item No.	Title	Page No.
8.	Elephant and Castle - Provision of a New Leisure Facility To agree to adopt the current leisure centre site at Elephant and Castle as the preferred location for new leisure facilities.	1 - 10
9.	Elephant and Castle - Regeneration Agreement and Disposal of Associated Land To agree to the terms of the regeneration agreement with Lend Lease (Elephant and Castle) Ltd for the regeneration of the Elephant and Castle and approve the disposal of housing land at the Heygate Estate on terms outlined in the regeneration agreement.	11 - 54

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Date: 30 June 2010

Item No.	Classification: Open	Date: 7 July 2010	Meeting Name: Cabinet
Report title:		Elephant and Castle – Provision of a New Leisure Facility	
Ward(s) or groups affected:		Cathedrals, Chaucer, East Walworth and Newington	
From:		Cabinet Member for Culture Leisure Sport and the Olympics and the Cabinet Member for Regeneration and Corporate Strategy	

INTRODUCTION AND RECOMMENDATIONS FROM CABINET MEMBER FOR CULTURE LEISURE SPORT AND THE OLYMPICS AND THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY

The Cabinet agreed on 15 June 2010 on the importance of putting leisure facilities in the plan for Elephant & Castle. The existing facilities are in need of major refurbishment and as more people come to the Elephant and Castle the demands that are going to be placed on them is only going to increase. This report should be seen as the first really positive step towards developing new facilities for the area.

The existing site is best located to provide a new leisure facility. We know that the future is going to be very challenging financially. It is therefore very important that we consult with local users, residents and area stakeholders to find out what the leisure priorities are for them. We are asking the Cabinet, after consideration of the officer report which follows at paragraph 5 onwards to approve the recommendations set out below.

RECOMMENDATIONS

1. That Cabinet agree to adopt the current leisure centre site as the preferred location for new leisure facilities at Elephant and Castle and supports the broad configuration of land uses on the site as shown on the plan at Appendix A i.e. residential at the east of the site and leisure at the west.
2. That the Cabinet agree the principle that the receipt generated from the sale of the residential component at the front of the site is intended to be reinvested to deliver the leisure facility at the rear.
3. That Cabinet instructs officers to agree a consultation plan with the Cabinet Member for Regeneration and Corporate Strategy for a short consultation process to establish what leisure facilities local people want to see.
4. That Cabinet instructs officers to report back by November 2010 with the results of the consultation and proposals for a full project mandate for a new leisure facility at the Elephant and Castle. The report will also address potential funding streams, partners, interim arrangements for leisure provision, revenue/capital cost implications and explore delivery options.

BACKGROUND INFORMATION

5. Initially, four sites were considered for a new leisure facility at the Elephant and

Castle – current leisure centre, Stead Street Car Parks, Heygate plot 8 and Heygate plot 17/18. An independent appraisal of the financial implications of locating a leisure facility on the four sites was carried out by Drivers Jonas Deloitte (DJD). The assessment concluded that on the Heygate plot 8 and plots 17/18, significantly more subsidy would be required over the current leisure centre site and the Stead Street sites due to the opportunity cost of lost commercial development and additional construction costs associated with development above the proposed leisure facility. As a consequence, the Heygate plots which would require a higher level of subsidy to be viable were eliminated from further consideration.

6. In addition plots 8 and 17/18 are within the boundary of the Heygate Estate and covered by the proposed regeneration agreement with Lend Lease (LL). Selection of those two plots, therefore, had the additional risk on delivery through the Council's development partner at Elephant and Castle as well as significant delays in delivery as those plots are brought forward in accordance with the Council's partners programme for development on the Heygate with significantly greater time through planning with the sites brought forward as part of the Master Plan development and outline planning application for the Heygate and Shopping Centre.
7. The remaining two sites [current leisure centre, Stead Street Car Parks] have subsequently been assessed in more detail. The objective of the appraisal was to identify the site which is most capable of meeting the Council's leisure objectives. The appraisal undertaken jointly by MAKE architects who have previously undertaken studies in relation to the current leisure centre site [and who are also retained by LL] and S&P architects who specialise in the design and implementation of leisure facilities including swimming pools. In addition DJD have provided independent valuation advice on the various residential development scenarios which have been considered. The appraisal considered the following factors;
 - The capacity of the sites to accommodate a leisure facility,
 - Key planning and infrastructure issues including the objective of providing water treatment and recycling facilities in connection with the boreholes which have previously been drilled at both sites.
 - The likely revenue implications arising from the operation of a leisure facility on the respective sites
 - The potential of part of the current leisure centre site to generate a land receipt [via a predominantly residential development] to contribute to the capital costs of the new leisure facility.
 - Initial cost estimates for the construction of a new facility [including the demolition of the existing centre].
 - Impact on the delivery of the affordable housing programme.
8. In order to assess the potential of the sites to meet the Council's leisure objectives three options for the provision of a leisure centre were considered. The first, which is referred to as 'the optimum leisure centre offer', comprising 5820 sq.m of floorspace and incorporating the following facilities;
 - Includes a 6 lane 25m swimming pool,
 - Teaching/hydrotherapy pool
 - health suite [including sauna, resistance & cardio training gym, multi-purpose exercise studios etc]

- 4 court Sports Hall
9. The second option, referred to as ‘the minimum leisure offer’, includes all of the above except the sports hall facility and comprises 4930 sq.m of floorspace.
10. A third option comprising an 8 court sports hall, health suite and 2 studios which is referred to as the ‘dry side only’ offer was assessed for the current leisure centre site only.
11. The purpose of this report is therefore to:
- Provide a summary of the conclusions from the site assessments and option appraisal.
 - Recommend a preferred site for the new facility
 - Set out the next steps for the delivery of the new facility.

KEY ISSUES FOR CONSIDERATION

Site Appraisal

12. The conclusion from the site appraisal is that only the current leisure centre site has the capacity to meet the Council’s aspirations for a new leisure centre facility [including a sports hall] at the Elephant and Castle. Additional advantages of this site are considered to be as follows;
- Any of the options at this location can be expected to generate higher levels of revenue (therefore requiring potentially less subsidy) due to its central location and strong public transport connections.
 - The principle of redeveloping the leisure centre site for a mixed use development comprising residential and new leisure facilities is acceptable in planning terms. The site is located within site 39P Elephant and Castle core area where the schedule of required uses includes the provision of a new leisure centre.
 - All leisure centre options are capable of being designed to accommodate servicing and up to 10 disabled car parking spaces within the site boundary.
 - All options for this site are capable of being designed to incorporate the existing bore hole and associated water treatment facilities. The grey water recycling facility which is likely to be required as part of the solution to meet code for sustainable homes requirements for the wider redevelopment of the area could not be incorporated and therefore an alternative site would need to be found for this.
 - All the options indicate that a design could be brought forward for this site which would provide additional public open space potentially extending St. Mary’s Churchyard north towards the London College of Communication.
13. The only Stead Street option which was capable of meeting the full brief would require the closure of Stead Street itself. This would also require the diversion of major utilities [gas, electricity, water], road closure orders, alterations to the local highway network, possibly including the widening of Wadding Street to allow for two-way traffic. There are significant costs, risks and potential for delay involved in such an approach which is likely to generate objections from residents.

14. In addition the Stead Street site is allocated for housing in the Southwark Plan. A proposal for a leisure centre site would therefore represent a departure from the Southwark Plan and therefore if planning were granted it would have to be referred to the Secretary of State for final approval. This is an additional risk with the potential also to delay the scheme.
15. The Council has been working in partnership with Guinness & Wandle Housing Associations to bring forward a predominantly affordable housing development on this site. Pursuing any of the options would result in an estimated loss of up to 140 homes 75% of which would be affordable.
16. The leisure centre site is well located in terms of public transport. The site is very visible with high levels of pedestrian footfall throughout the day. The planning policy context supports a facility at this location and the site is sufficiently large to accommodate a range of leisure facilities. As a consequence the site is considered to be the best location for a new leisure facility and this is a view which is supported by the Director of Environment and Housing [see paragraphs 37 - 39]. It is therefore recommended that the Cabinet agree to adopt the current leisure centre site as the preferred location for new leisure facilities at the Elephant and Castle.

Current leisure centre site – land use configuration

17. As noted above, the options appraisal considered the potential for part of the current leisure centre site to generate a land receipt [via a predominantly residential development] to contribute to the capital costs of the new leisure facility. The close proximity of residential properties at Brook Drive restricts the amount of residential accommodation that can be reasonably be expected to be incorporated at the rear of the site. As a consequence, development scenarios with a residential development fronting on to the Elephant and Castle have the capacity to allow for more residential to be constructed and therefore potentially more land value to be generated.
18. It is therefore recommended that the cabinet supports the broad configuration of land uses on the site as shown on Appendix A i.e. residential on the east of the site and leisure at the west.

Capital Receipt

19. Initial valuation work undertaken by DJD suggests that the residential development scenarios which have been considered do have the capacity to generate a receipt which could contribute towards the cost of constructing a new leisure facility. The optimum leisure offer which meets the full brief will require a larger site area reducing the land available for residential development. The minimum leisure offer will be likely therefore to generate the highest receipt as it allows for significantly more residential development.
20. A final decision on the content of the leisure offer will only be made following public consultation and further technical work on costs and value. The Cabinet are therefore asked at this time to agree to the principle that the receipt generated from the sale of the residential component at the front of the site can be reinvested to deliver the leisure facility at the rear.

Next Steps

21. Public consultation to establish local resident's preferences for leisure provision at the Elephant and Castle will be undertaken between July and October this year. The results will inform the decision on the final project mandate which will be reported to the Cabinet in November.
22. The November report will also address in more detail potential funding streams; partners [Lambeth Council, the London Institute, South Bank University, PCT and health providers etc]; revenue/capital cost implications; and also explore delivery options.
23. The redevelopment of the site will necessarily involve the demolition of the existing leisure centre. However, while the swimming pool has been closed for over 5 years, the sports hall and gym are used considerably. The redevelopment will mean that for a period of time there will be no sports hall and gym at the centre of the Elephant and Castle and so the November report will also consider the extent to which it might be possible to provide alternative facilities to meet this short term gap in provision.
24. Another issue worth noting is the Doon Street development on the South Bank which has recently been given planning approval following a judicial review. This scheme includes public swimming and leisure facilities. Given the close proximity of this site (around 2 km) from the Elephant and Castle, it will be necessary to consider the implications of the proposal for leisure facilities at the Elephant and Castle in light of another public facility being so close by in order that the proposed leisure offer for the Elephant and Castle is not compromised.

Policy implications

Southwark Council Corporate Plan 2009 – 2011

25. The plan aims to promote healthy and independent living throughout Southwark. The plan identifies regeneration projects as a way to 'build strong communities that promote connected, healthy and active lives'. The plan also states that at the Elephant & Castle there will be refurbished or new leisure facilities.

Sport and Leisure Perspective

26. The plan to provide a new leisure facility, particularly at the Elephant & Castle site accords well with the seven themes from Southwark's Sport and Physical Activity Strategy, which was agreed in 2009. The themes are quite self-explanatory and are listed below:
 - Using physical activity for both the prevention and management of ill health.
 - Maximising the use of planning policy in providing for sport and physical activity.
 - Providing a network of appropriate places and spaces for sport and physical activity.
 - Improving access and choice for the whole population.
 - Building and maintaining an effective multi-agency delivery system for sport and physical activity.
 - Maximising the use of London 2012 to promote physical activity.

- Maximising the impact of all resources.

Core Strategy/Southwark Plan

27. Through the core strategy adoption process the Elephant and Castle leisure centre site will form part of the Elephant and Castle Core Area [currently referred to as site 39P in the Southwark plan]. The Southwark plan identifies a specific need for a leisure centre within this site and this requirement will be retained as part of the core strategy. Residential development is generally an acceptable use throughout the core site. A mixed development comprising a new leisure centre and residential would therefore be acceptable in principle on the leisure centre site which is recommended as the preferred location for the facility. As noted elsewhere in the report the Stead Street sites are identified for housing purposes in the Southwark plan and therefore a proposal for leisure facility would not be acceptable in principle and would represent a departure from the adopted plan. Furthermore, such a scheme would potentially impact on the Council's ability to meet its housing targets.

Community impact statement

28. The current leisure offer at the Elephant and Castle is restricted to a sports hall and gym. The swimming pool has been closed for 5 years and this reduces the existing community's access to leisure facilities which is one of the Council's themes in its Sport and Physical Activity Strategy referred to in the policy section of this report. This has the potential to impact on the health of individuals within the community due to the limited provision of facilities and therefore the need to improve leisure facilities has been recognised in various Council strategies which are referred to in this report.

29. The development of a new facility potentially including a swimming pool has the potential for significant community benefits including increase leisure choice and activity leading to improved health outcomes.

Resource implications

30. The next phase of work which will take place during July-October will involve public consultation and further technical work to test the viability and costs of the proposals for the site. These revenue costs are not expected to be significant and have been budgeted for within the agreed Elephant and Castle project team budget.

31. Some preliminary work has been undertaken to investigate the capital costs of a new facility. However this issue together with the revenue implications of the various leisure options will need to be investigated in much more detail in the next phase of work. The conclusions including recommendations on preferred procurement route will be reported to Cabinet as part of the November report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Supplementary advice of Strategic Director of Communities Law and Governance

32. The current leisure centre is managed by the Fusion Trust pursuant to a management agreement dated 30 October 2009 and there is a lease of the centre between the Council and Fusion Trust which will expire on 29 October 2016. If the arrangements for the new leisure centre are to be progressed prior to that date, then agreement would need to be reached at that time with Fusion for a surrender of their current lease.
33. Section 2 of the Local Government Act 2000 (“the Act”) gives a local authority powers (“Well Being Powers”) to do anything which they consider is likely to achieve any one or more of the following objects;
- the promotion or improvement of the economic well-being of their area,
 - the promotion or improvement of the social well-being of their area,
 - and the promotion or improvement of the environmental well-being of their area.
34. Section 4 of the Act states that a local authority should have a strategy for promoting or improving the economic, social and environmental well-being of their area and that in modifying or amending their strategy, a local authority;
- must consult and seek the participation of such persons as they consider appropriate, and
 - must have regard to any guidance for the time being issued by the Secretary of State.
35. Further legal advice would need to be sought once the consultation process has been completed and officers have a clear idea of the more detailed project mandate as referred to in this report. It is envisaged that this advice would be given in time for the report in November.

Finance Director

36. The Finance Director notes the options for leisure facilities being considered for the Elephant and Castle area. He also notes that a further report will be submitted to Cabinet in November 2010 and that this report will require a full financial analysis of the proposed option. This will require detail of disposal or acquisition values, construction costs and any ongoing revenue or capital implications.

Supplementary Advice from Director of Environment & Housing

37. Purely from the perspective of sport and leisure provision the Elephant and Castle site has great advantages over the site at Stead Street as it has far greater visibility, excellent transport links and would attract local residents, people who work locally, school children and students from the two Universities. This would mean a centre that had a steady flow of customers throughout the day rather than one which had considerable peaks and troughs of demand and income. Depending on what else was in the area the Elephant & Castle location may allow the facility to house a cafe which would encourage secondary spend creating a small additional income stream for the leisure centre.

38. Again, from the perspective of sport and leisure, the most advantageous mix of services would be those outlined in paragraph 8 of the report. This is the option that includes:

- Six lane, 25 m swimming pool
- Teaching/hydrotherapy pool
- Health Suite (sauna; resistance and cardio training gym; multi-purpose exercise studios)
- Four court sports hall

39. This configuration would result in a facility offering the greatest mix of services. This means that it would be able to serve a wide range of the population as well as providing opportunities to maximise income. The density and variety of population in the area mean that all the services would be well used by children and adults and by local residents and regular visitors (i.e. students and people employed in the area). The local population has lacked a swimming pool for well over a decade and although no formal demand studies have been done for some time even a cursory assessment of the market suggests that the swimming pools would have a considerable potential customer-base in that location. The gym and sports hall at the present centre are well-used despite the very poor state of the building and changing facilities. The provision of the health suite is a key factor in harnessing regular membership and is a core element of any sports facility because it provides regular income and cross-subsidy. The sports hall too, if it is found to be affordable in capital terms, would be well used and supply a regular stream of revenue as well as a much needed service in the area. Sports halls are in great demand by adults and children for a variety of sports at all times of the year and particularly because they are warm, dry and lit during the winter months. There are, however, relatively few large sports halls in the south and central London area to meet this demand.

Reasons for urgency

40. It is considered important that the Cabinet consider options for the provision of leisure facilities at the Elephant and Castle on the same agenda as the RA as some plots originally considered as potential sites for leisure facilities are within the boundary of the Heygate Estate. Any decision to reconsider those sites could therefore have a bearing on the RA report.

Reasons for lateness

41. A technical assessment of the preferred site has been necessary in order to inform the recommendations. This exercise was not completed in time by the Council's appointed consultants to allow the full report to be drafted prior to the stage at which Cabinet papers would have been circulated under normal protocols.

BACKGROUND DOCUMENTS

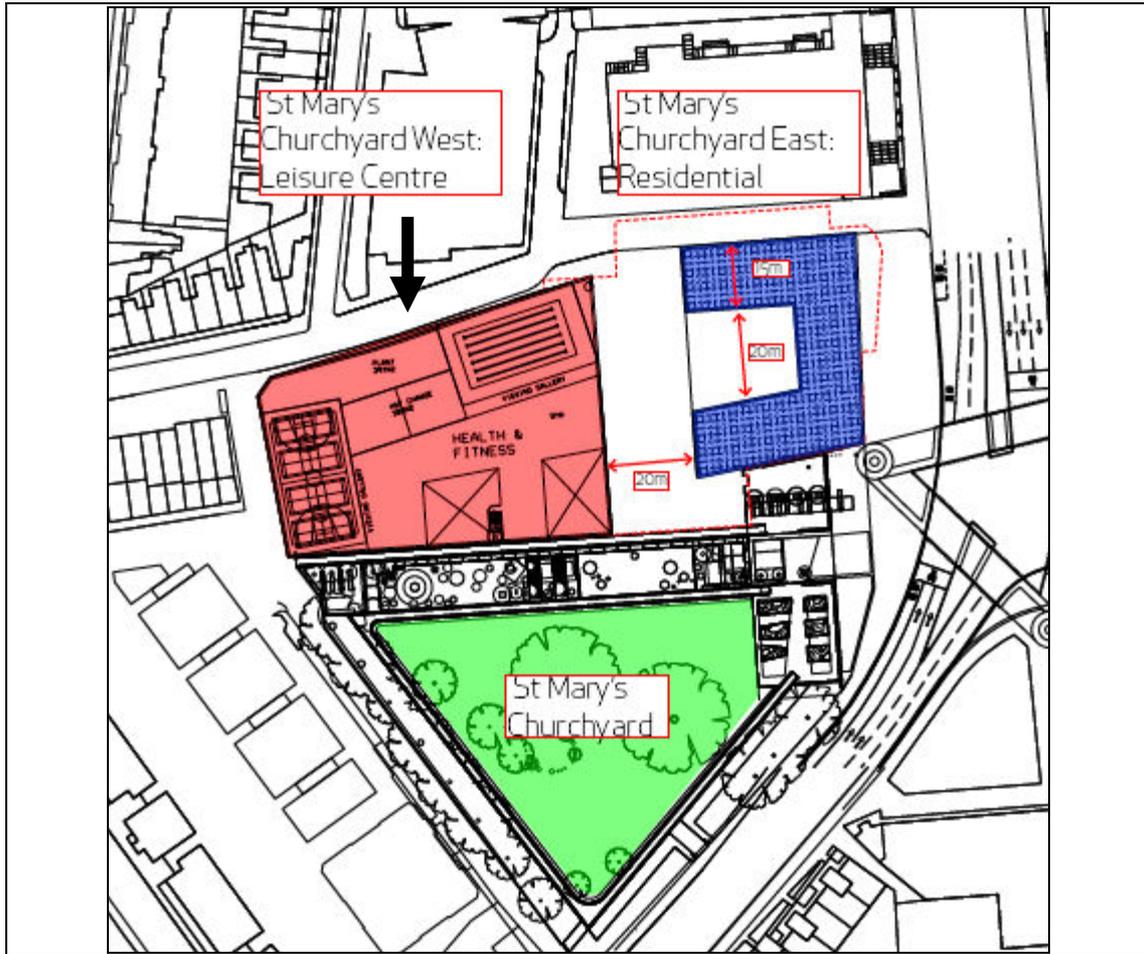
Background Papers	Held At	Contact
Southwark Plan, Southwark's Sport and Physical Activity Strategy 2009,	Jon Abbott, Director of Elephant & Castle	0207 5254902

Core Strategy, Corporate Plan 2009-11	project team	
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AUDIT TRAIL

Cabinet Member	Cabinet Member for Culture Leisure Sport and the Olympics and the Cabinet Member for Regeneration and Corporate Strategy	
Lead Officer	Eleanor Kelly – Deputy Chief Executive	
Report Author	Jon Abbott – Elephant & Castle Project Director	
Version	FINAL	
Dated	29.06.10	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES		
Officer Title	Comments Sought	Comments included
Strategic Director – Communities, Law & Governance	YES	YES
Finance Director	YES	YES
Director of Environment and Housing	YES	YES
Date final report sent to Constitutional Support Services		29.06.10

Appendix A



Item No.	Classification: Open	Date: 7 July 2010	Meeting Name: Cabinet
Report title:		Elephant and Castle – Regeneration Agreement and Disposal of Associated Land	
Ward(s) or groups affected:		Cathedrals, Chaucer, East Walworth and Newington	
From:		Leader of the Council Cabinet Member for Regeneration and Corporate Strategy	

Introduction and Recommendations from Leader and Cabinet Member for Regeneration and Corporate Strategy

The regeneration of the Elephant and Castle is vital to the renewal of our borough. It is a project which was conceived over a decade ago, and the decisions which we take as an administration on the proposed Regeneration Agreement (RA) with Lend Lease ('LL') (Elephant and Castle) Limited are likely to be some of the most significant during this term of office. Therefore, we are delighted to present for the consideration and approval of the Cabinet the following recommendations on the RA with LL (Elephant and Castle) Ltd. We are pleased to have been able to realign the outcome of the negotiations and to bring to fruition such an important milestone on a journey that started in 1999. It is very encouraging to see the recent progress that has been made and we hope that this new pace will continue to be reflected in the regeneration process going forward.

We have fully considered the report from officers, including the supplementary advice from our professional advisors, which commences at paragraph 6 below. We put forward the following recommendations:

RECOMMENDATIONS

1. That Cabinet agrees to the terms of the RA with LL (Elephant and Castle) Ltd for the regeneration of the Elephant & Castle as outlined in this report.
2. That Cabinet approve the disposal of housing land at the Heygate Estate, shown edged in red on the plan at Appendix 1 ("the Land"), to LL on the terms outlined in the RA by way of 999 year leases for premiums plus overage if applicable as set out in the closed report subject to:
 - 2.1. the Council obtaining confirmation from the Secretary of State for the Department for Communities and Local Government ("CLG") that specific consent to the transfer of housing Land will not be necessary; or,
 - 2.2. Council Assembly's approval of an application to CLG for consent to the disposal of housing Land at less than best consideration and that consent being obtained; and,
 - 2.3. other conditions precedent being met.
3. That Cabinet recommends to Council Assembly that it approves an application to CLG for consent to transfer the Land if such consent is necessary

4. That Cabinet agree to a minimum level of affordable housing to be delivered as part of the scheme to be 25% as set out in the Minimum Development Requirements.
5. In the event that negotiations to bring forward the development of the shopping centre site are unsuccessful that Cabinet instructs officers to report back to a future meeting to seek further instruction on the compulsory purchase of the site, underwritten by LL.

Background

6. Since the Executive meeting of 27 July 2009 and subsequent update, a detailed process of discussion and negotiation has been carried out between the Council and LL with the aim of reaching an agreed RA that provided both the Council and LL with the necessary comfort to progress the regeneration of the Elephant and Castle and enter into contract on a long term relationship for the delivery of the Council's ambitions for the Elephant and Castle.
7. Following discussions, the Executive received Heads of Terms for the regeneration at its meeting of 30 November 2009 and agreed to enter into those terms. On the basis of the Heads of Terms, officers have negotiated with LL a detailed RA that sets out the parameters of the contractual relationship between the Council and LL. Update reports were given to the Executive at their meetings in February and March 2010. At the March 2010 meeting of the Executive, it was reported that 95 per cent of the agreement was finalised. At that time, the Executive agreed to make the final decision on the RA at the next scheduled meeting on 22 June 2010 in order to allow for the final detail of the agreement to be drafted and to provide more time for discussions with St Modwen the current owners of the shopping centre.
8. Following the results of the local elections on the 6 May 2010, it was agreed to present a report to the newly elected Cabinet at their meeting on 7 July 2010 in order to allow officers to realign the RA with the aspirations of the new Cabinet. Since the election of the new administration, the negotiations have focused on 3 key elements:
 - Affordable housing
 - The shopping centre
 - Leisure facilities
9. Significant progress has been made on these issues and these are dealt with in greater detail within the body of this report, the closed report and the report on the leisure centre to be presented at the same cabinet meeting.
10. It should be noted that the contents of the RA represent the outcome of a focused period of negotiation and discussion with LL on the regeneration of the Elephant and Castle. The context of the proposed agreement, therefore, represents the culmination of discussions in how best to balance risk and value in order to achieve the maximum benefit for the Council at an appropriate level of exposure whilst realising the wider benefits of the regeneration.

RA key terms and Structure

11. The structure of the RA breaks the project into three key development packages (as demonstrated in the plan at appendix 2 attached to this report) as below:

- Rodney Road (coloured green in the plan at appendix 2)
- Heygate (coloured orange in the plan at appendix 2)
- The shopping centre (coloured pink in the plan at appendix 2)

12. Conditions precedent are applied to each individual package and if the conditions are met then this triggers a draw down of Land on an agreed 999 year lease and the payment to the Council of premium/premiums in accordance with the payment schedule .

Lend Lease

13. LL Corporation Ltd is an international property business operating across various aspects of the real estate industry including project management and construction, property development and property investment management.

14. LL Corporation Ltd is ranked third among the top 20 global companies by sales in the real estate industry as classified by Dow Jones (information as at 6 October 2009). At it's last year end in June 2009, the company was valued at \$3958.8m.

Security

15. In addition to the guarantee mechanism, certain payments are secured over land at the Elephant and Castle as identified at appendix 3.

Overage

Profit Overage

16. A key element of the RA is the concept of sharing any overage/super profit on a 50/50 basis. For the purposes of monitoring and calculating any overage, a development account and financial model have been developed; the same model will be utilised to inform assessment of the primary viability condition. The composition of the model has been agreed and is defined in the RA.

Planning Overage

17. There is a methodology in place between the Council and LL in relation to any planning overage (which is the additional value created by additional or subsequent planning applications) that may be achieved over and above the current levels of development through the planning process.

Financial Model

18. The financial model underpinning the transaction is made up of certain elements in relation to the inputs or costs; and the outputs or revenues. These are summarised in the following tables and have been reviewed by PriceWaterhouseCoopers LLP (PwC).

Revenues

Revenue element	Definition
Private Housing	Total receipt for private residential units over the life time of the scheme.
Intermediate Housing	Total receipt for sales of intermediate housing units delivered through RSL.
Social for Rent Housing	This is the total receipt expected from social rented housing within the model which will be delivered through the appropriate RSL.
Retail	This is the level of income expected to be achieved through sales and lettings of the commercial space within the scheme.
Car Parking	This is the total revenue gained through sales of car parking spaces within the scheme.
Ground Rent	This is the payment made by the leaseholder to the landlord for consideration of the lease including residential ground rents on private flats.

Costs

Cost Element	Definition*
Construction Costs	Total construction costs including all demolition, site preparation, infrastructure costs together with all professional team fees and expenses paid by the developer.
Development Costs	The preparation for, acquisition, holding, design, financing, development, marketing, letting etc and the carrying out of the works including project management and development management costs.
Finance Costs	The developer will charge the cost of debt to the development account and will apply the same rate to any money that it invests in the scheme itself.
Developers Profit	LL will receive a profit on cost.
Professional Fees	Actual costs incurred subject to challenge and competitive tendering process

*NB: definitions are a summary of the legal terminology and are given for information purposes only and should not be relied upon.

19. PwC have compared the relevant aspects of the model to the RA. A number of queries and issues were identified, all of which have now been resolved. As a result of the review of the model, PwC noted that the RA is very complex in structure in order to provide for

the longevity of the project and, therefore, monitoring will be required to ensure that the model is always fit for purpose.

Demolition

20. As previously reported, the demolition of Rodney Road is already underway and a demolition management agreement has been signed between the Council and LL. This agreement is, however, separate to the works associated with the demolition of the Heygate.
21. In respect of the demolition of the Heygate, the Council and LL have agreed a programme which is aligned with the current estimated projection of vacant possession being achieved for the blocks on the Heygate. LL are to progress demolition of the Heygate in line with this programme with the aim of completion by 2015. The indicative programme is attached to the RA as an annexure and will be reviewed by the management board (see later section on Governance) on an ongoing basis (and is attached here at appendix 4). LL have agreed to start the technical and procurement processes to achieve early demolition as soon as the RA is signed.

Primary and Secondary Conditions

22. At the time of the 24 November 2009 Executive meeting, officers reported that there were four conditions precedent that needed to be met in order for the scheme to progress. Following further discussion with LL, the concept of conditions precedent has evolved and the progression of the RA is now subject to two tiers of conditionality requiring primary and secondary conditions to be met. The primary conditions must be met to satisfy the progression of a phase and the secondary conditions must be met in order to satisfy the progression of a building on site.

Governance

23. A management board will be convened to govern the project and it will consist of appropriate representatives for both the Council and LL who will be appointed to monitor the progress of each part of the development. The Council will be represented by the Deputy Chief Executive and the Strategic Director of Regeneration and Neighbourhoods, LL will appoint their Elephant and Castle Development Director and Head of Major Projects to the management board. Further details of how this board will operate are contained within the RA but specific responsibilities are listed below.
24. The management board will perform a strategic role:
 - in monitoring the rights and obligations for both parties within the RA; and,
 - in monitoring and reviewing the delivery of the Minimum Development Requirements and the level and split of affordable housing within the phases.
25. The management board is also able to consider alternative sites for the first development if it is prudent to do so through discussion and approval of the phasing and plot plans.
26. In addition to the functions of the management board outlined above, further governance arrangements for the project include the Council having approval rights to the:

- planning application;
- planning strategy;
- land assembly strategy;
- Master Regeneration Plan (MRP);
- Masterplan;
- Phase plan;
- Plot plan; and,
- Transport strategy.

27. The Council will also receive the following:

- Annual Business Plan;
- Construction Phasing Plan;
- Programme;
- Latest appraisal;
- Marketing & Letting strategy; and,
- Procurement strategy.

28. The management board is made up of a limited membership in order to provide the necessary focus and experience to take the regeneration forward and deliver on the stated objectives for the Elephant and Castle. For the avoidance of doubt, the management board is separate to and different from the proposed Steering Group. The proposed Steering Group will form an integral aspect of the consultation strategy which is contained within the Master Regeneration Plan. The consultation strategy will be formally developed over the next three months in consultation with members, stakeholders and the wider community.

29. The development of the terms of reference for the Steering Group will be carried out in full consultation with the Community Council as well as the wider community and interested stakeholders as a part of the consultation strategy. However, the aim of setting up the Steering Group will be to put in place an appropriate feedback mechanism to review progress of the project and provide a public forum for discussion and debate in respect of the regeneration and its impact on the wider community. Similarly, a feedback mechanism will be put in place to ensure that the views of the Steering Group are raised and discussed with the management board in order to ensure that the views and opinions of all interested parties are considered throughout the development of the project. These proposals will be worked up over time and are part of the consultation strategy which is contained within the MRP. It is anticipated that a full consultation programme will be agreed three months after the RA is signed as part of the annual business plan.

MUSCo

30. Both the Council and LL acknowledge that a key aspect of the regeneration is the provision of a sustainable energy solution that meets the requirements of the relevant legislation and specifically, to meet the "zero carbon emissions" standard which will be in place from 2016. This standard will be built into the minimum requirements set by the national Building Regulations. The Council will seek to provide a Multi Utility Services Company (MUSCo) as the preferred approach to provide an energy solution for the Elephant and Castle. LL have agreed to work with the proposed MUSCo provider on the development of the MUSCo and associated services.

31. An alternative solution to the MUSCo is one where the developer must meet the zero carbon standard through:

- high levels of energy efficiency (building fabric insulation);
- building mounted renewable energy systems (e.g. PV, biomass boilers, solar thermal, heat pumps etc.);
- payment into an "allowable solutions" fund to offset any remaining carbon emissions that cannot be eliminated via the above. It should be noted that this element can only meet 30% of the total carbon omissions of the development. Guidance from Government suggests that this will be an option only where it can be demonstrated that these savings can not be met on site or near the site through connection to a district network.

Shopping centre

32. The shopping centre is included in the RA and the agreed strategy for bringing forward the development of the shopping centre within the RA is that:

- the Shopping centre will form part of the outline planning application along with the Heygate;
- both parties will try to bring the shopping centre and its owners into a Joint Venture arrangement with LL by agreement, enabling the delivery without recourse to CPO;
- if agreement can not be achieved then the Council may choose to use its CPO powers to acquire the shopping centre.

33. Negotiations are currently on-going with St Modwen (the current owners of the shopping centre). However, at the time of writing this report terms have not been agreed.

Programme

34. An indicative programme is attached at appendix 4.

Project Milestones

35. At this stage, the agreed key milestones are as follows:

Milestone	Date
Signing of RA	July 2010
Commencement of physical demolition of Rodney Road	October 2010 (if it proves viable and expedient, the demolition of the Heygate will be brought forward once the site achieves vacant possession, this will be by agreement between LL and the Council)
Detailed planning consent and conditions precedent met for Rodney Road	end 2011

Outline planning consent received and conditions precedent met for the Heygate	end February 2013 (subject to provision of an extension to allow for legal challenge)
--------------------------------------------------------------------------------	---------------------------------------------------------------------------------------

36. Further milestones will be agreed between both parties through the governance structure as part of the development programme.

Pre-development work

37. Following signing of the RA, it is currently envisaged that LL will:

- finalise the Master Regeneration Plan;
- progress pre-development work on the master plan including consultation;
- prepare planning applications for the masterplan to include elements in detail for early phases;
- commence the preparatory work to achieve an early demolition of the Heygate and work on a secondary option in the eventuality that the MUSCo is not delivered.

Rodney Road

38. LL have agreed to commence with the demolition of Rodney Road acting as the Council's agents prior to the signing of the RA, subject to the recovery of costs from the Council. On submission of a detailed application for Rodney Road LL will, subject to achieving consent and subject to conditions precedent being met commence construction on site, having regard to the programme.

Shopping Centre and the Heygate

39. On submission of an outline application for the shopping centre and the Heygate LL will, subject to achieving consent prepare detailed applications in relation to the development of the shopping centre and the Heygate. On grant of planning consent and subject to conditions precedent being met, LL will commence construction on site.

Plot 1 Heygate

40. LL have committed that following the satisfaction of the primary conditions for the Heygate which triggers the draw down of Land they will proceed with the construction of the first building (subject to the satisfaction of the secondary condition) which will prevent the land being drawn down and construction not commencing which would mean that the Land was "land banked" by LL.

Plans

41. The RA includes an indicative phase plan (showing the development packages as outlined in appendix 2) and plot plan (which is attached at appendix 5). These plans have been agreed by both parties, they are, however, subject to the statutory planning process, consultation and market forces. There are mechanisms in the governance arrangements to make changes to these plans by agreement between the parties should any of the factors outlined require them to be adapted.

Consultation and Community Involvement

42. Following the completion of the RA, the Council and LL have proposed through the draft Master Regeneration Plan to produce a complete consultation strategy within three months in order to allow sufficient time for the strategy to develop in consultation with relevant stakeholders and the community. The strategy will provide more detail as to how both parties propose to keep local residents, businesses and other stakeholders informed about:
- the progress of the scheme;
 - how they will have the opportunity to inform the content of the planning application;
 - the development process; and,
 - the critical decision points during the course of the regeneration.
43. The strategy will also include more information on the role and operation of the proposed steering group referred to in the governance section above and how this will interact with the development.

Master Regeneration Plan

44. The report to Executive on 24 November 2009 set out the commitments by the Council and LL in achieving the broader regeneration benefits of the project with the aim of delivering a successful urban quarter at the Elephant and Castle. The Council's vision for the regeneration was reiterated at that meeting and is incorporated within the Heads of Terms.
45. At the time, a key document to achieving these aims was explained as being the 'Master Regeneration Business Plan'. This document has since been drafted alongside the RA and through its evolution, it is now called the 'Master Regeneration Plan' (MRP). The MRP forms an integral part of the RA, the intention being that it provides an overview of the project and the steps that the Council and LL will take in order to advance the programme and delivery of the regeneration.
46. The MRP is intended to communicate the strategic development management proposals for the RA site at the Elephant and Castle whilst also setting out for residents and businesses those objectives that the Council and LL are seeking to deliver at the RA site and how this will contribute to the wider vision of the Elephant and Castle Opportunity Area.
47. At this point in time, the MRP should be considered a draft document as it will evolve further and in more detail over time following completion of the RA and it will need to be flexible in order to take into account the requirements of the development timeline for the Elephant and Castle. However, it is a document that will be reviewed regularly by both parties at the management board as it will form the basis of the rationale behind the development for the lifetime of the project, this document will be a publicly available resource.
48. It is particularly important to note that the MRP not only addresses the planning and design issues but also the key strategies related to sustainability and socio-economic factors together with the ongoing estate management of the area.

49. The MRP is attached to this report as an appendix (appendix 6), however, in summary the RA contains the following:

- project status and document purpose;
- vision, cornerstones and development objectives for the RA site;
- planning strategy;
- RA site masterplan and design strategy including:
 - masterplan background
 - land uses
 - housing
 - design code
 - indicative RA site plans
- infrastructure strategy;
- land assembly;
- sustainability strategy;
- socio-economic strategy;
- consultation strategy;
- estate management strategy; and,
- health and safety.

Leisure Facilities

50. Initially, two plots were considered within the area covered by the RA for the provision of leisure facilities, however, following a technical and financial assessment, these were discounted on value for money grounds. Leisure facilities do not therefore, form part of the RA with LL and the Cabinet will consider at the same Cabinet Meeting options for the delivery of leisure facilities for the Elephant and Castle Opportunity Area. It is however important to recognise that one of the primary funding sources for leisure facilities is anticipated to be payments made under this agreement.

Planning Applications Affordable Housing and Section 106

51. LL will be responsible for making the appropriate applications to optimise the site value of the site in accordance with the agreed Master Plan (which forms an appendix to the RA). Issues such as transport infrastructure, Section 106 contributions and quantum of affordable housing will be determined through the statutory planning process in the normal manner. However, within the Elephant and Castle Opportunity Area, the Southwark Plan policy requires at least 35% of all new housing to be provided as affordable with a tenure mix of 50% social rent and 50% intermediate. Where developers propose to vary this policy on the grounds of viability, a 'Three Dragons' tool kit appraisal is required to support the application.

52. The Council has negotiated a contractual obligation on LL to provide a minimum level of affordable housing of 25% which is a variation to the Heads of Terms which did not provide a minimum level. In addition, LL have committed that their planning application will be based on a 50/50 split between Intermediate and Social Rented affordable housing. Irrespective of the planning process and the Three Dragons appraisal of viability, this minimum threshold will need to be met, however, it is hoped that a full policy complement of 35% will be delivered.

53. The core strategy published in November 2009 modifies the Southwark plan approach by setting numerical targets for new housing including affordable housing for the borough as a whole and individual areas within it. In the case of the Elephant and Castle Opportunity Area, 4000 net new homes are to be provided between 2011-2026 of which 35% or 1400 units should be affordable. The previous policy which required a minimum of 35% affordable housing on sites capable of accommodating 15 or more units has been replaced by an approach which requires as much affordable housing on developments of 10 or more units as is "financially viable". In addition, the core strategy approach now requires a minimum of 35% private housing units in developments within the Elephant and Castle Opportunity Area. The required split between social rented and intermediate housing will be set out in the housing development plan document (expected in a years time), however, the split in the current Southwark plan is likely to be maintained. The core strategy examination in public is scheduled for July 2010, following which, an Inspectors binding report is likely to be published in September 2010 after which the core strategy will have a high degree of weight when planning applications (including those which are subject to pre-application discussions) are being considered.
54. The current planning strategy envisages that three applications will be made: a detailed application for Rodney Road and plot 1 Heygate and an outline application for the Heygate and shopping centre. The preferred approach will need to consider the most effective way of managing planning risks associated with the environmental assessment regulations and in particular the potential of a challenge on the grounds that the scheme has been artificially divided as a means of circumventing an assessment of the cumulative effect of the scheme as a whole.
55. Throughout the development of the applications, the Council will be fully involved (as Regeneration Partner) through the governance arrangements which will be in place as a result of the RA and the Council's agreement (acting in a reasonable capacity) and sign off to the planning applications will be required. In addition, the Council will provide a dedicated development management officer to support the planning process.

Risks

56. PwC have been involved in the commercial negotiations and have provided advice and input during a long series of meetings. A number of risks have been identified at this stage and PwC have recommended that a risk workshop is carried out at the earliest opportunity with a Council wide team to maintain transparency and to ensure that mitigation measures are in place where necessary. PwC recommend stringent risk management procedures to manage a number of complex risks.

TfL

57. The TfL Interchange team have been undertaking a modelling exercise to appraise the impacts of anticipated development within the Elephant & Castle Opportunity Area on both the Northern line and Bakerloo London Underground stations. This is an important exercise with implications for the RA and the planning application that LL are to bring forward.
58. The material is being used to inform the GLA response to the Council's core strategy which will be the subject of an examination in public in the summer. The Council in its role as planning authority will need to demonstrate that it is in conformity with London Plan

requirements including the provision of infrastructure needed to support plan development targets for new homes and jobs. In addition, the Mayor and the local planning authority will seek contributions via a s106 agreement to mitigate the impacts of the development on the transport system arising from development within the opportunity area including that proposed by LL. Other developments in the area would also be expected to make appropriate contributions. There is ongoing engagement between the Council, TfL and LL to consider the likely contributions towards public transport infrastructure.

Implications for LL/RA

59. The strategic and local planning authorities will expect the LL scheme to mitigate its impacts on the transport infrastructure. The planning policy framework and objectives are currently being formulated through the core strategy process. LL will be required to undertake a full transport impact assessment to support the planning application and to demonstrate how impacts can be mitigated. None of this material is currently available. The conclusions from the exercise will inform the negotiations with the relevant planning authorities and will inform decisions on the contributions that will be required to mitigate impacts on the transport system. It should be noted that these costs could have implications for the development account, the Council's overage and the achievement of the conditions precedent referred to elsewhere in this report.

Statement of Community Impact

60. A full Equalities Impact Assessment (EqIA) of the scheme has been undertaken in accordance with the corporate programme for production of EqIA's; this will need to be reviewed once the RA is agreed. Additional consultation over and above the requirements of the statutory planning process will be undertaken with the local community in the preparation of the planning applications.

SUPPLEMENTARY ADVICE FROM PROFESSIONAL ADVISORS

Herbert Smith (Legal Advisors) – Key Legal Risks

61. The summary of the RA contained in this report and set out above accurately reflects the final version of the RA.
62. This section in the closed report summarises the main legal risks that arise in the RA and the approach taken to try to minimise the impact of such risks for the Council. The RA is a complex document as it deals with the way in which the regeneration will be progressed over a number of years - the scope and approach of the document has evolved in the negotiation process from the heads of terms that were signed in December 2009.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Supplementary advice of Strategic Director of Communities, Law & Governance

63. The RA sets out the terms on which it is proposed that the Council's housing land will be disposed of by way of the grant of three 999 year leases.

64. As the land falls within the Council's Housing Portfolio, the disposal can only proceed in accordance with Section 32 of the Housing Act 1985, for which purposes the consent of the Secretary of State for CLG is required.
65. A number of general consents have been issued in the General Housing Consents 2005.
66. Consent E3.1 states:
- "A local authority may dispose of any land held for the purposes of Part II for the best consideration that can reasonably be obtained, provided that any dwelling house included in the disposal:
 - is vacant;
 - will not be used as housing accommodation; and
 - will be demolished"
67. The RA provides that prior to the disposals the dwellings on the land will be vacant, following the programme for achieving vacant possession, and will not subsequently be used as housing accommodation but will be demolished. These requirements of General Consent E3.1 are therefore satisfied and if the payments the Council will receive for the land represent the best consideration that can reasonably be obtained, the specific consent of the Secretary of State will not be required.
68. The Council's independent valuation advisers have advised that CLG should be approached for confirmation as to whether specific consent to the disposal will be required.
69. If CLG confirm that consent will be required or if the payments the Council will receive for the land do not represent the best consideration that can reasonably be obtained, the specific consent of the Secretary of State will be required and an application to CLG will be submitted (with Council Assembly's approval). That application to CLG will form the basis of a report to Council Assembly in October.

Supplementary Advice of the Finance Director

70. This report presents a number of recommendations arising from the RA for the Elephant and Castle regeneration. These follow on from detailed negotiations between the Council and LL following on from agreement to Heads of Terms by both parties in November 2009. Unlike the Heads of Terms, the RA will be legally binding on both parties and the RA therefore reflects a greater level of certainty on key issues relating to the agreement than existed previously.
71. The financial and commercial implications of entering into this RA are laid out in the body of the report and detailed within the agreement itself. They are represented within a financial model that has been agreed between both parties and independently reviewed, challenged and verified by PwC. Drivers Jonas have separately provided critical challenge to the bases for modelling assumptions in addition to external valuation advice.
72. The financial aspects of the agreement are consistent with the intentions of the Best and Final Offer submitted by LL in July 2007, although more detailed discussions have enabled these proposals to be formalised and embedded within the RA, not least in the context of a changing economic environment and market conditions.

73. The Finance Director remains mindful of the financial and other risks inherent within any regeneration scheme of this scale. However, the proposed RA offers the Council guaranteed phased payments on land transfer throughout the development. These payments are on the basis of clear conditions precedent being met as laid out in the RA.
74. The Council has agreed overage provisions with LL within the RA on profit to be shared on a 50:50 basis. In addition, provisions for planning overage within the RA allow the Council a further opportunity to generate additional receipts in the future. Details of the overage arrangements are contained within this report.
75. Receipts arising from these guaranteed payments will be used initially to reimburse the Housing Investment Programme for costs incurred in achieving vacant possession on the site. Further decisions on the use of other receipts will be subject to regulation and to future approvals granted by the Cabinet.
76. The RA requires that the Council shares the risk associated with LL in achieving planning consent. This share of risk is considered appropriate subject to LL acting in good faith and with best endeavours to get to this point. This will be subject to continual engagement between the two parties through the governance arrangements as referred to in paragraphs 23 – 29 and especially the Council's sign off on the planning application itself. The Finance Director notes the need to make reference to any potential future liability within the Council's financial accounts.
77. The Finance Director notes that transfers of land and related payments are subject to regular tests for viability that are under the control of LL, although the Council would not expect to proceed with any scheme were it not viable to do so as this would not be in the interests of either party and may not represent best value.
78. The Council is required to ensure that best consideration is received in respect of any land transfer and these issues are referred to throughout the report (paragraphs 63 - 69). At the point of agreement to the RA, the Council will proceed to seek the consent of the Secretary of State to the transfer of housing land. This forms part of the conditions precedent and will be subject to a report to Council Assembly in due course.
79. The Finance Director notes a range of governance arrangements included as part of the RA. In particular he notes the arrangements for the Management Board, the business planning processes, annual audit arrangements and access to open book accounting. These are linked to a framework of approval routes both set out within the RA and within the Council's existing arrangements. Collectively, these will allow for the Council to have appropriate oversight of the project being delivered by LL under contract. In particular, governance arrangements will need to ensure that all costs and fees are properly controlled throughout the development and are of an appropriate nature.
80. The Council will wish to ensure that appropriate resources are made available to support these essential control mechanisms. These need to be contained within existing budgets and budget planning arrangements and will be supported by contributions from LL.
81. The Finance Director notes the costs relating to the scheme incurred by LL as set out in the report.

82. Appropriate accounting arrangements will need to be put in place to support the various financial transactions inherent within the project including any contingent liability arising from sharing development risk in gaining planning consents. The Finance Director will seek external advice on representation of various sums within the statement of accounts and refer to the District Auditor as necessary.

83. In the context of the RA being agreed by both parties and especially with regard to future guaranteed receipts, the Finance Director will review the Council's wider capital programme in order to ensure that cash flow is appropriate for both Housing Investment and other programmes.

Reasons for Lateness

84. The discussions and negotiations on the RA have been ongoing between the Council and LL since the agreement of the Heads of Terms. The negotiations and the RA had been substantially completed prior to the Borough Council elections in May 2010. Following the election of the new Administration it was necessary to reopen negotiations in order to re-align some of the elements within the RA to changed priorities. The subsequent redrafting of the RA and the drafting of this report required further advice from the professional advisory team of legal, property and finance specialists. The final drafting of the report was, therefore, not concluded prior to the stage at which Cabinet papers would have been circulated under normal protocols.

Reasons for Urgency

85. It is not possible to wait until the next meeting of the Cabinet to consider this decision because of the agreed timetable between the Council and LL. The exclusivity agreement between the Council and LL expires at the end of July 2010. A decision on the 7th July allows sufficient time for the appropriate "call in" procedures, including any reconsideration by Cabinet if necessary and any further redrafting of the RA. A decision on 20th July would not allow time for completion of all of the necessary procedures in the available timeframe.

Background Papers

Background Papers	Held	Contact
23 November 2009 Executive Report Elephant and Castle Heads of Terms	Everton Roberts Constitutional Team	Everton.roberts@southwark .gov.uk Ext. 57221

Appendices

Appendix 1	Council Land plan
Appendix 2	Development Packages plan
Appendix 3	Security Land plan
Appendix 4	Indicative programme

Appendix 5	Plot plan
Appendix 6	Master Regeneration Plan

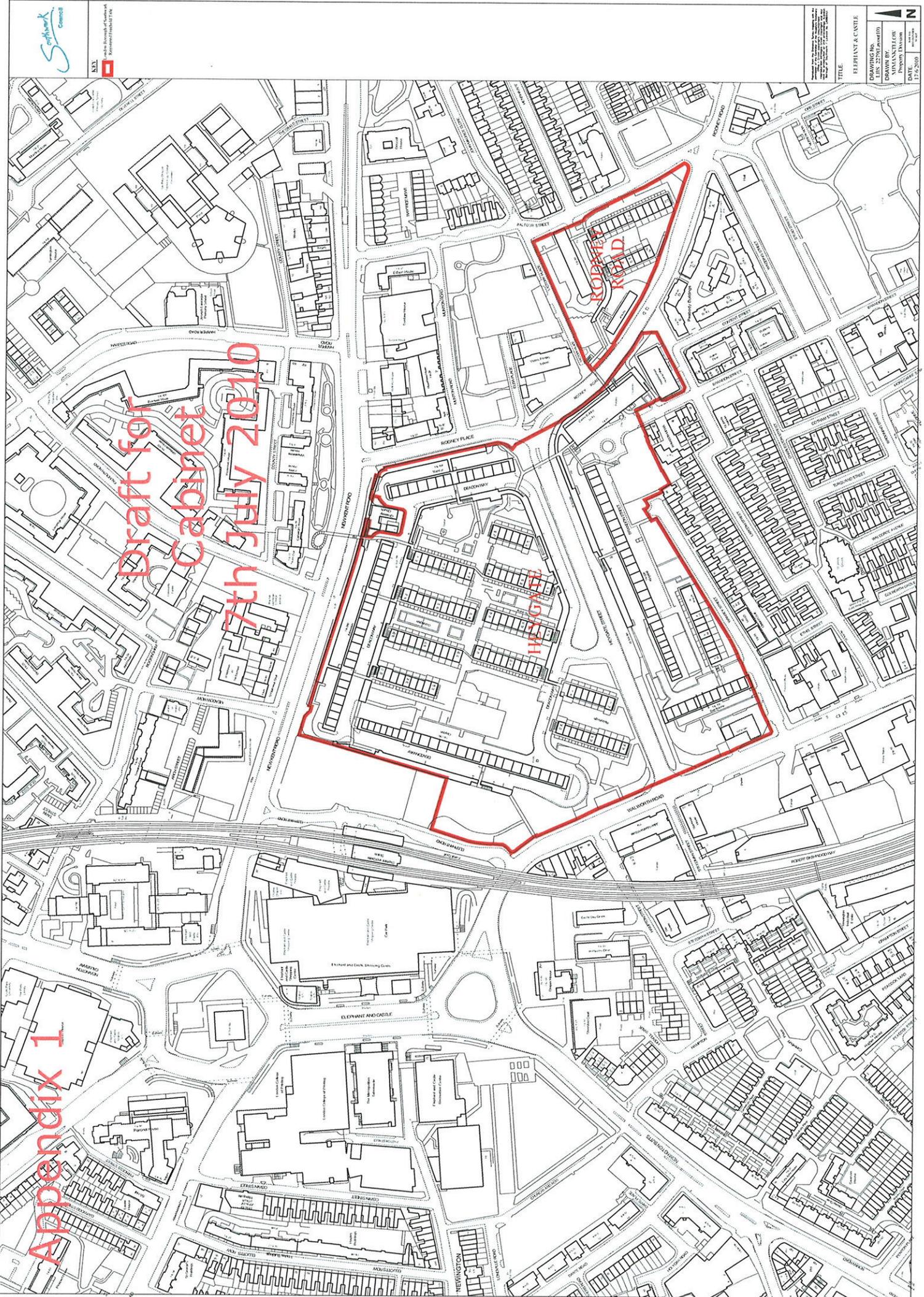
Audit Trail

Cabinet Member	Leader of the Council Cabinet Member for Regeneration and Corporate Strategy	
Lead Officer	Eleanor Kelly – Deputy Chief Executive	
Report Author	Steve Platts – Head of Property Tom Branton – Project Manager	
Version	FINAL	
Dated	30.06.10	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES		
Officer Title	Comments Sought	Comments included
Strategic Director – Communities, Law & Governance	YES	YES
Finance Director	YES	YES
Date final report sent to Constitutional Support Services	30.06.10	



Southbank Council
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15/16
15/16

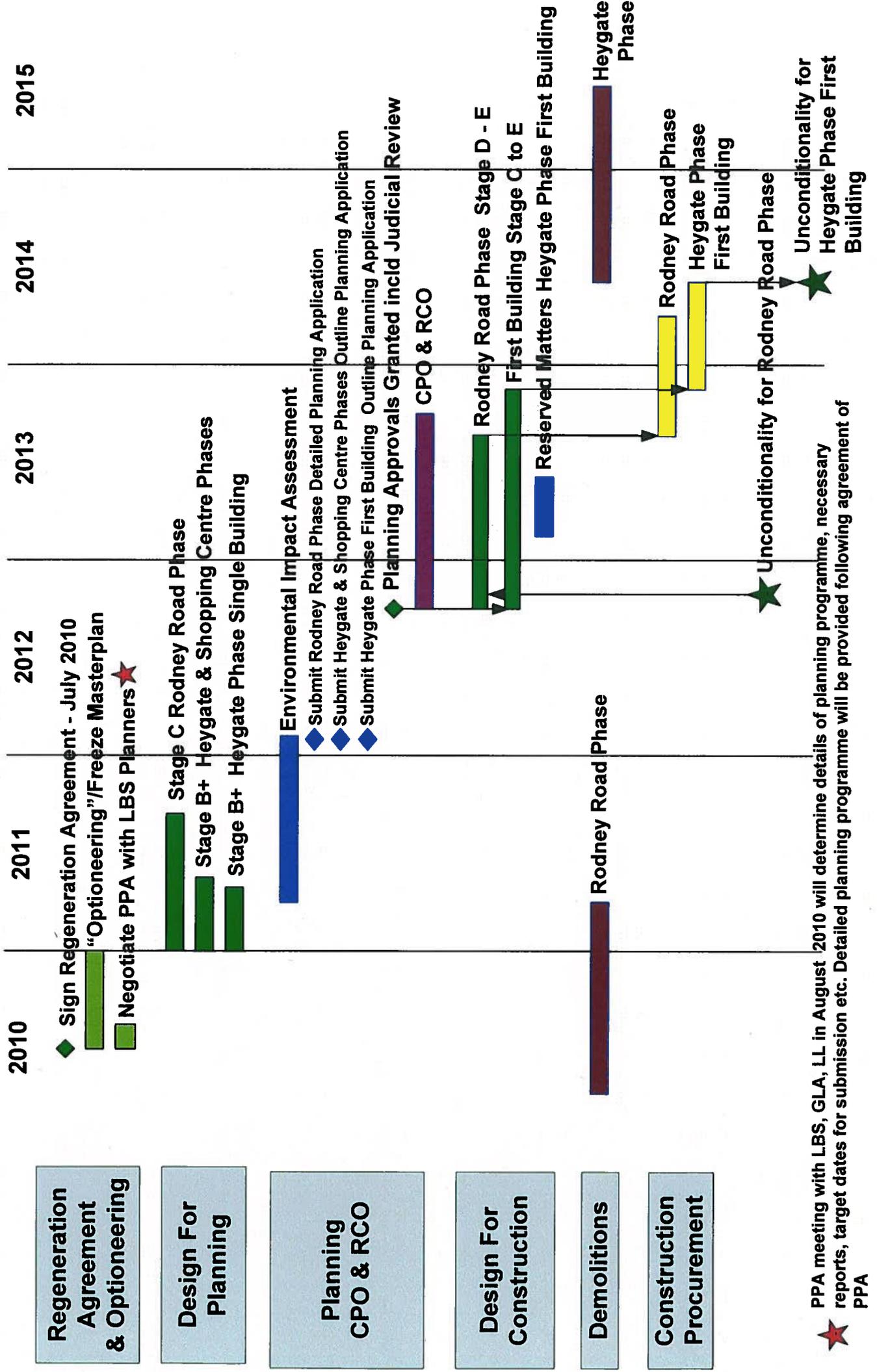
TITLE: ELEPHANT & CASTLE
DRAWING NO: LDC 22500-010
DRAWN BY: MUMANTLOR
DESIGNED BY: MUMANTLOR
DATE: 17/02/2010



Draft for
Cabinet
7th July 2010

Appendix 1

Simplified Indicative Programme to Unconditionality



★ PPA meeting with LBS, GLA, LL in August 2010 will determine details of planning programme, necessary reports, target dates for submission etc. Detailed planning programme will be provided following agreement of PPA

Key

- Raised courtyard amenity
- Blocks [low]
- Blocks [mid-rise]
- Blocks [mid-high]
- Plot boundary



Plot plan 1:3000@A3

This indicative plan is provided for illustration purposes only and will be subject to consultation.

Elephant and Castle Master Regeneration Plan

Version 16

Draft

Prepared by London Borough of Southwark and Lend Lease
17 June 2010

Table of Contents

1. INTRODUCTION.....	3
1.1 INTRODUCTION.....	3
1.2 PROJECT STATUS.....	7
1.3 PURPOSE OF MRP	7
1.4 VISION, CORNERSTONES & PROJECT OBJECTIVES FOR THE REGENERATION AGREEMENT SITE	9
1.4.1 Development Objectives for the Regeneration Agreement Site.....	9
2. DEVELOPMENT STRATEGIES FOR REGENERATION AGREEMENT SITE	11
2.1 PLANNING STRATEGY	11
2.2 REGENERATION AGREEMENT SITE MASTERPLAN & DESIGN STRATEGY	11
2.2.1 Masterplan Background.....	12
2.2.2 Land Uses.....	14
2.2.3 Housing.....	14
2.2.4 Design Code	15
2.2.5 Indicative Regeneration Agreement Site Plans.....	16
2.3 INFRASTRUCTURE STRATEGY	18
2.4 LAND ASSEMBLY	18
2.5 SUSTAINABILITY STRATEGY	19
2.6 SOCIO-ECONOMIC STRATEGY.....	20
2.7 CONSULTATION STRATEGY.....	20
2.8 ESTATE MANAGEMENT STRATEGY	21
2.9 HEALTH & SAFETY.....	22
3. TIMING.....	23

1. Introduction

1.1 Introduction

The potential for major redevelopment at Elephant and Castle (“E&C”) has been recognised by the London Borough of Southwark (“LBS”) for some time. Since 1999 LBS has put in place a series of strategies and measures to bring this forward.

E&C Opportunity Area (the “Opportunity Area”) , as defined in the Southwark Plan, covers 170 acres stretching from the Borough Road in the North to East St in the south. The ‘Opportunity Area’ is also designated in the London Plan as an area with the capacity to meet some of the capitals need for new homes and jobs.

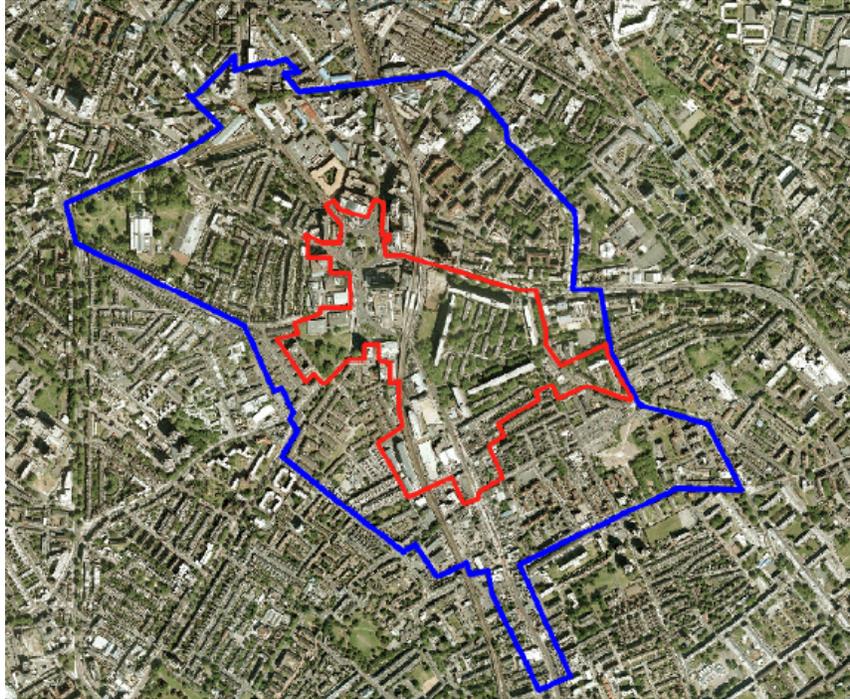
The vision for the Opportunity Area set out in the Southwark Plan is for:

“A thriving and successful mixed use major town centre that is safe, full of vitality and accessible to and from a highly integrated public transport system; combining historic character with a high quality design and layout of new buildings; a place where people will want to live, work and visit for shopping and leisure.”

LBS has adopted a comprehensive plan led approach to facilitate the delivery of this vision and the objectives for the Opportunity Area are set out in Policy 6.1 of the Southwark Plan.

The Southwark Plan defines a E&C Core Area, a 25 hectare site shown as Site 39P (see below) where it was recognised that there was potential for substantial change to transform the area through a process of comprehensive regeneration and renewal.

Site 39p



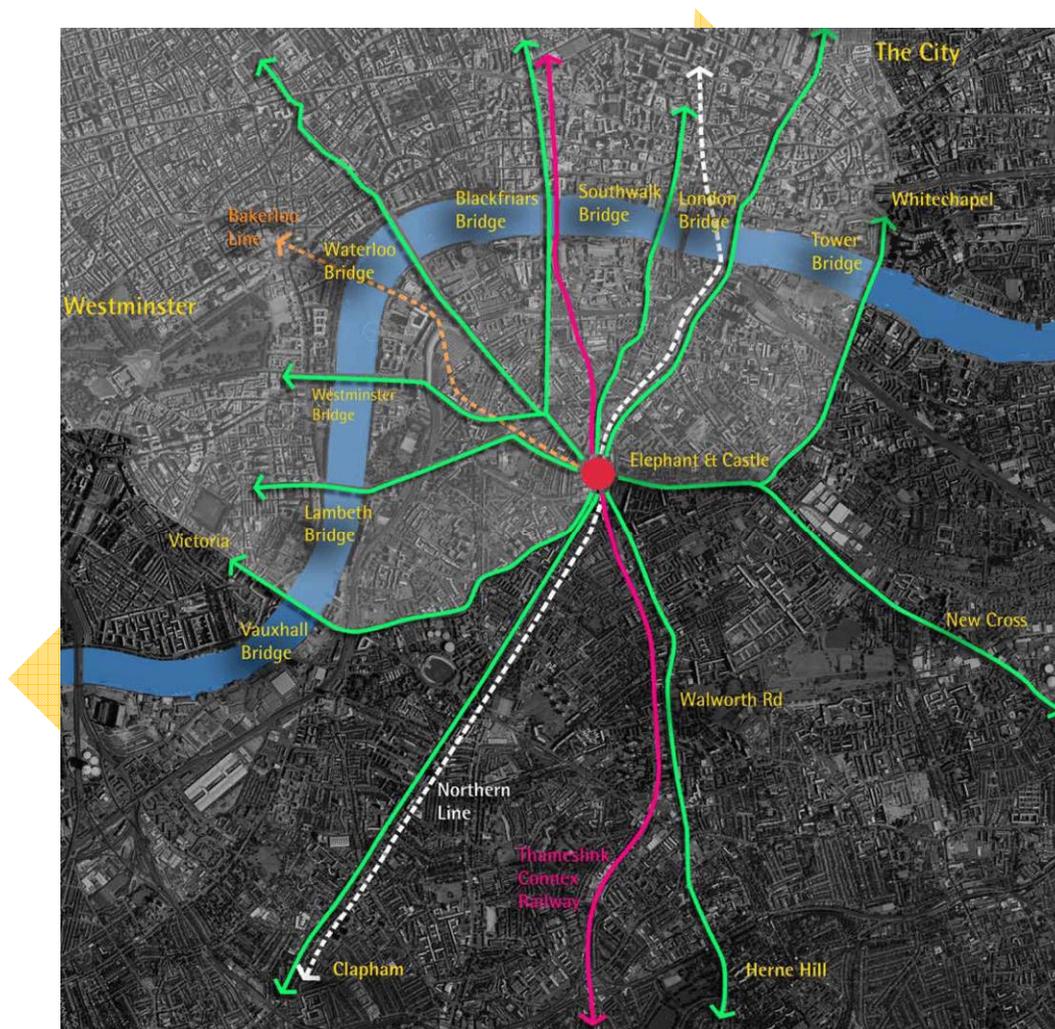
— Opportunity Area
— Core Area

LBS has adopted a Development Framework for this Core Area. The purpose of which is to help facilitate the long-term redevelopment of the site which includes the Council owned Heygate Estate and the E&C Shopping Centre.

DRAFT

The Development Framework (adopted as Supplementary Planning Guidance for E&C in February 2004) includes an illustrative masterplan which provides more detail as to how the vision for a high density, vibrant and recognisable town centre, supported by excellent public transport facilities and a public realm of the highest quality should be given effect. The guidance includes a series of plans (land use, movement and circulation, built form etc) which in combination provide a framework for the coordinated and coherent redevelopment of the Core Area.

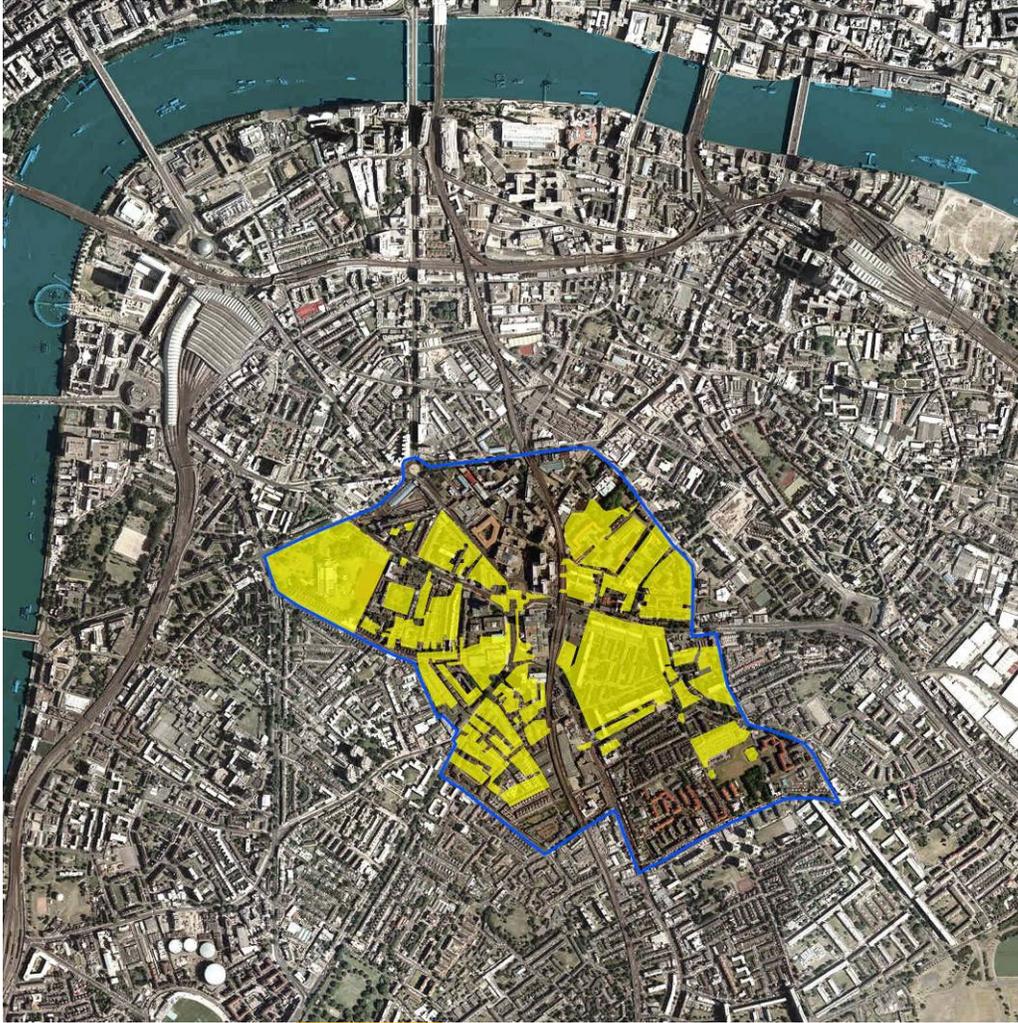
Elephant and Castle Transport Links



LBS's 'Core Strategy' document, published November 2009, consolidates the Council's vision for the Opportunity Area and states that they "will facilitate regeneration of the Elephant & Castle into a more desirable place for both existing and new residents. There will be excellent shopping, leisure facilities and cultural activities. London South Bank University and London University of the Arts will develop further as important centres of learning. Elephant & Castle will continue to be highly accessible from other places in Southwark and London". In order to support this LBS are "using our land at the heart of the area to stimulate 440,000 sqm of new development with up to 45,000 sqm new shopping and leisure floor space and 25,000 – 30,000sqm of business floorspace. We will meet our target of 4000 new homes by working

with the local community, registered social landlords and private developers to deliver new homes. We will also meet the London plan target of 5000 new jobs by encouraging more offices, hotels, small businesses and developing the evening economy and cultural activities”.

LBS Land Ownership within Opportunity Area



LBS's promotion of E&C since 2002 has built wide public support for the overall regeneration. There has been significant regeneration activity in the Core Area. To date around 1739 new homes (of which 400 affordable) have either been completed, are under construction or have received planning consent. The most notable addition to the area has been the 44 storey Strata Tower a predominantly residential scheme which will be completed in May 2010. In addition LBS has completed the restoration of the St. Mary's Churchyard providing a bench mark for future high quality public realm and open space in the area. Transport for London will shortly commence enabling works to remove the Southern Roundabout and subways. The replacement signalised junction with surface pedestrian crossings will further transform

the quality of public realm in the area. The rehousing of residents from the Heygate Estate is now well advanced and as of 22nd June 2010 there were only 33 occupied homes remaining.

1.2 Project Status

In July 2007 LBS selected Lend Lease (“LL”) as preferred commercial partner for the redevelopment of the E&C Regeneration Agreement Site (“RA site”). Completion of the Regeneration Agreement (“RA”) was originally anticipated to take place by December 2007 however the severe economic downturn prevented this from occurring.

LBS and LL have now agreed to enter into the RA in 2010 to develop the RA Site which is a significant part of the Core Area and comprises the existing Heygate Estate (Rodney Road Phase and Heygate Phase in the RA) and the Shopping Centre (Shopping Centre Phase in the RA). The redevelopment of the RA site will make a significant contribution to the overall objectives for the Opportunity Area.

Regeneration Agreement Site Plan



1.3 Purpose of MRP

The draft Master Regeneration Plan (“MRP”) forms part of the RA and is intended to provide an overview of the project and the steps that both parties intend to take to advance its delivery. It therefore has the following purposes:

- a) to communicate the development management proposals for the RA Site at E&C to the LBS Cabinet (and Members) and LL Board;
- b) set out for residents and businesses what LBS and LL are seeking to deliver at the RA site and how this will contribute to the vision of the Opportunity Area;
- c) describe the general principles of how LBS and LL intend to work together to deliver the redevelopment of the RA site;
- d) establish a reference point from which future decisions on the direction of the project can be assessed; and
- e) confirm the tasks that need to be undertaken to implement the redevelopment of the RA Site.

It is acknowledged that the development recommendations contained within this draft final MRP plan will need to be refined and agreed over the coming year, following the conclusion of a RA and a MRP finalised. E&C is a regeneration of major proportion and importance to both Southwark and London. It is anticipated that delivery of this large regeneration site will occur on a phased basis over a period of 15 years. It will be essential to the success of E&C that the regeneration can evolve to meet changing expectations and economic fluctuations. The MRP will reflect this by being an evolving document, which will be updated throughout the life of the regeneration to monitor the progress and changes occurring at E&C.

1.4 Vision, Cornerstones & Project Objectives for the Regeneration Agreement Site

1.4.1 Development Objectives for the Regeneration Agreement Site

The overarching objective for the RA Site is “*to build on its strengths and overcome the weaknesses and as a result establish the Elephant & Castle as a thriving and successful urban quarter*”. In pursuit of this, the following development objectives have been set for the RA site:

- Supports a successful, vibrant mix of homes, shops and businesses and other uses and activities.
- Provides a balanced and integrated mix of residential accommodation, across the full range of private and affordable housing.
- Minimum of 25 per cent Affordable Housing provision in aggregate on Rodney Road Phase and Heygate Phase together and 25 per cent Affordable Housing provision on the Shopping Centre Phase. All such Affordable Housing to be divided equally between social rented and intermediate housing.
- Has its own clear and positive identity.
- Provides opportunities for local independent retail businesses, reflective of the diversity of the surrounding residential populations, to contribute to the distinctive identity of E&C.
- Improves the life chances of individuals through enhancing health, educational attainment through provision of training opportunities, skill levels and employability of individuals.
- Contains a range of high quality public spaces.
- Is designed to be safe and free from the fear of crime through meeting ‘Secure by Design’ requirements.
- Provides training and employment opportunities for Southwark residents both during construction and in the completed scheme.
- Encouraging the use of public transport, focusing on the pedestrians and cyclists within a high quality public realm which is both safe and inviting for 24 hours a day.
- Has a high quality, attractive and successful public realm of streets and spaces that are well designed and easy to understand.
- Is clean and well maintained.
- High quality green spaces, which encourage activity and improve the appearance and the quality of life for the people in it.

- Has easy access to a diverse range of good quality local facilities and services.
- Adopts a balanced and integrated range of measures to maximise the efficient use of natural resources, limit carbon emissions and minimise waste.
- Contains new buildings that are well designed, flexible and energy efficient.

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2. Development Strategies for Regeneration Agreement Site

2.1 Planning Strategy

Objective: LL, in partnership with LBS will produce a planning application for the RA site which will comprise two elements:

- a. a detailed scheme for the first plot to be implemented;
- b. a masterplan for the full RA site (Rodney Road Phase, Heygate Phase and Shopping Centre Phase) which will take the form of an outline application.
- c. the RA site Masterplan will be required to show key routes through the site, public open spaces, land use (including affordable housing), quantum's of development, the massing of the development, site access, servicing and car parking, indicative phasing including the s106 strategy. The outline application will include a full Strategic Environmental Assessment ("SEA") which will appraise the schemes environmental, economic and social impacts. The SEA will incorporate a Transport Assessment, Retail Impact Assessment and an evaluation of economic benefits. Following the grant of outline planning the detailed design will form part of reserved matters submissions on a building by building basis as delivery of the masterplan is progressed.

The project is being implemented over a 15 year period and inevitably there will be economic changes that will affect viability of individual phases of the project. The planning consent for the masterplan will therefore need to contain some flexibility to allow for responses to market circumstances. Such changes will be reported in the MRP and where these are significant revised planning applications may be required.

How?: The plan for the RA site has evolved as a collaborative process between LBS and LL and this is intended to continue throughout the life of the RA. There will be regular design sessions with the LL appointed architects and LBS representatives. The scheme for the masterplan and the first phase will continue to evolve to a position when it can be presented to local stakeholders and further public consultation can be undertaken prior to submission of a formal planning application.

When?: The preparation of the planning application (including the SEA) and an extensive programme of public consultation will be a key activity following the signing of the RA. LL and the Local Planning Authority (LPA) will enter into a Planning Performance Agreement (PPA) that will establish a programme for the preparation and submission of a formal planning application that will include details on the required documentation to be submitted and relevant policies to be addressed.

2.2 Regeneration Agreement Site Masterplan & Design Strategy

As noted in section 1, LBS has established a strong planning framework for the Opportunity Area which includes the RA site.

Since their selection as preferred development partner in July 2007, LL in collaboration with LBS have undertaken further work to develop proposals for the RA site that are consistent with the planning regime for the area. The following section is intended to demonstrate a preferred approach for the master planning

of the RA site. It should be noted however that these plans do not have any formal planning status and it is the intention of LL and LBS to refine and test them further prior to a submission of a planning application. This process of testing and refining the scheme will include an extensive programme of public consultation (see consultation strategy).

2.2.1 Masterplan Background

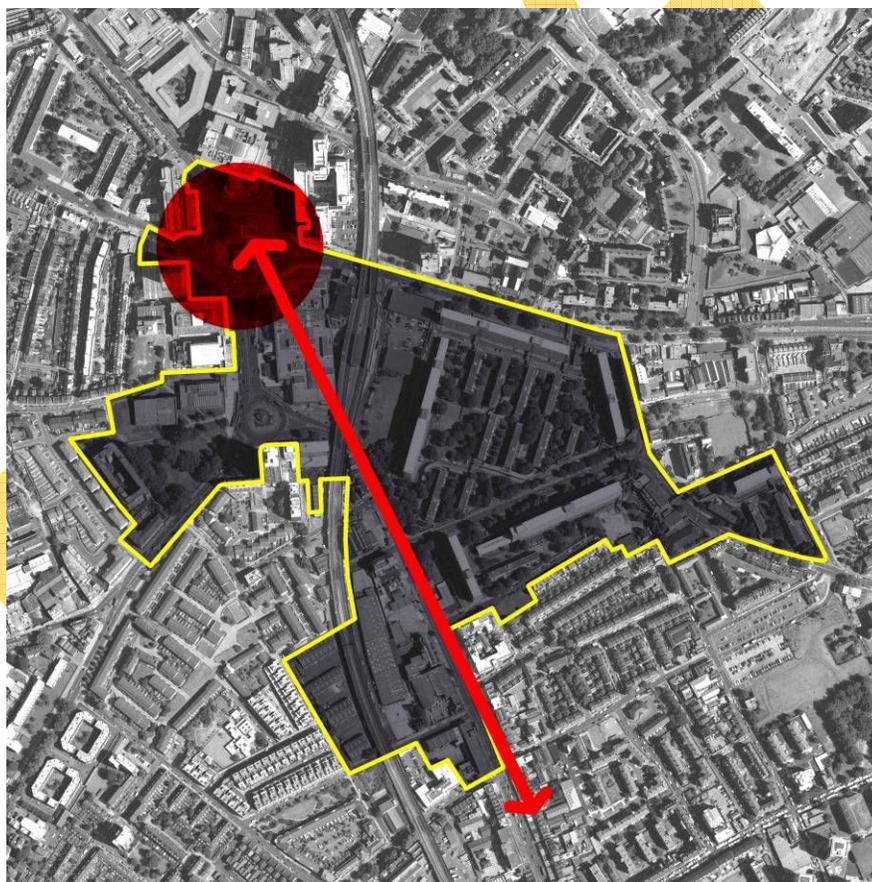
The masterplan strategy is driven by a need to reconnect the communities to the north and south of the Heygate Estate together with those disconnected to the east and west by the railway viaduct, shopping centre and Elephant Road.

Reconnecting Streets



A key aspect of this strategy is to reconnect the Walworth Road back through to the northern roundabout, tying the main retail and business artery to the south with the heart of the E&C. This route becomes an anchor for the scheme and draws people through to the main public transport hub. Secondly by drawing adjacent streets into the site currently occupied by the Heygate Estate and linking pre war routes north of New Kent Road and south of Heygate Street a network of new routes converge to form a new linear park at the heart of the current Heygate Estate site. This new park acts as a new destination and focus for the scheme. It is the most significant new open space within the regeneration forming a network of open spaces – squares and parks – with different scales and characters which encourage diverse uses including markets, children’s play areas, public gardens and urban squares.

Re-Establishing Walworth Road



Establishment of the key routes and spaces defines the building plots. These plots will be made up of individual buildings which together will form traditional urban blocks. The inherent flexibility of this design approach will allow the buildings to respond to commercial and social change. The building heights will be determined by environmental and urban criteria. Taller buildings will be located to the west and centre of the masterplan area and will decrease in height towards the east. The councils E&C SPG envisaged a central cluster of very tall buildings. This approach is no longer viable given the need to respect the

important strategic view from the Serpentine Bridge. Instead a site wide distribution of tall buildings is envisaged which will give identity and visibility to the districts in which they are placed.

2.2.2 Land Uses

E&C is a city centre where people live, work and socialise. A complimentary and diverse mix of uses would help encourage occupation and ownership of the streets and spaces within the regeneration area. Our aim is to ensure that people feel safe and welcome 24 hours a day.

Establishing specific character areas which integrate with one another will ensure that people use specific spaces for particular reasons. The spaces to the west of the railway viaduct are livelier and form the heart of the city centre. Spaces towards the east are quieter and are more local in character. The uses are aligned with this spatial approach.

At ground level retail/food and beverage will be the prominent uses. In line with the overarching design vision we envisage a number of urban Villages. The overlapping Villages will help define the character of the streets and spaces within the regeneration area and help to break down the scale and thereby encouraging diversity and uniqueness.

To help create vibrant and lively streets and spaces entrances to the upper floor residential will be largely at street level. Multiple access points within a single urban block increases activity and footfall adding to the sense of safety and security.

2.2.3 Housing

E&C is primarily a place that people call home. The development of an integrated and cohesive housing strategy is therefore at the heart of our vision for the regeneration of the area.

We do not want to repeat the mistakes made during the 1960's and 1970's where single tenure housing areas encouraged social division. Our strategy is to encourage communities to mix, where tenure is mixed and where housing is clustered, facilitating communication and a willingness to know your neighbour.

Building heights are reduced to the east of the Masterplan area so will the urban block densities. Higher densities consistent with a city centre location will prevail to the west while a more local yet urban density will predominate along the southern boundary of the RA site.

We are proposing a high percentage of dual aspect homes, which have access to public and semi private open space, are environmentally sustainable and offer a mix of both family and single person dwellings. The low, medium and high rise massing associated with each of the new urban blocks ensures that a broad range of housing typologies can be offered. This clustering of different housing typologies not only delivers a greater mix of people within each urban block but also offers a more robust commercial model where choice is maximised.

2.2.4 Design Code

Objective: Create a Design Code the development with a distinctive character which is informed by the history of the area and that provides for a coherent overall form of development.

The masterplan will set out a clear vision; a vision where people come first and where democracy, inclusion and governance are a priority. Sustainability will be demonstrated in all its manifestations built on five principles-

1. Economic strength – a masterplan based on sound commercial principles, which is deliverable and provides sufficient flexibility to work with rather than against the market.
2. Focusing on people, community and society – a safe, healthy and attractive place to live and work, celebrating its own positive identity and character for the good of all.
3. Environment, climate change and energy – a managed environment where minimising energy use, encouraging recycling and waste reduction and designing a positive sensory experience is the norm. Using appropriate technology – fit for purpose.
4. Movement and access – encouraging the use of public transport, focusing on the pedestrians and cyclists within a high quality public realm which is both safe and inviting for 24 hours a day.
5. Governance – a partnership between the new community of residents, LBS and LL which is anchored on engagement and which has a long term commitment to maintaining the quality of the physical environment.

How?: Through the preparation of a Design Code which will form part of the outline planning application. The contents will reflect the requirements of existing LBS policy and maintenance standards set by LBS. The Design Code will be developed to provide detailed guidance in relation to materials, building heights, identify locations for statement buildings, (including the location for tall buildings) and guidelines for the design of public realm. The Design Code will also set out the approach to the appointment of architectural practices.

When?: The Design Code will form part of the planning application for the RA site (see planning strategy above) and it will be subject to consultation as part of that process.

2.2.5 Indicative Regeneration Agreement Site Plans

The following are indicative plans intended to demonstrate a preferred approach for the master planning of the RA site. These plans do not have any formal planning status and it is the intention of LL and LBS to refine and test them further prior to a submission of a planning application. This process of testing and refining the scheme will include a programme of public consultation.

Regeneration Agreement Site



Indicative Model showing general approach to massing of scheme



2.3 Infrastructure Strategy

Objective: To provide the necessary infrastructure to support the phased redevelopment of the area. This will be informed in part by the sustainability strategy [see below].

How?: LBS and LL will work with Dalkia Bio-energy to develop an integrated network of sustainable infrastructure comprising heat, power, cooling, water, waste management and data services. In addition LL will work with statutory undertakers to provide the necessary reinforcement works to ensure that the local network of power, water and sewage has sufficient capacity to meet the development's requirements.

LL and LBS will continue to discuss with the public transport providers (TfL, Network Rail, LUL, Highway Authorities) to agree a programme of investment to mitigate the scheme's impacts.

When?: The RA site masterplan will identify land and areas within individual buildings / plots to accommodate the utility and infrastructure requirements.

The planning application will include for a transport assessment that will evaluate the impact of additional trips generated by the development on the highway network and public transport system. This will identify the impacts of the development that need to be mitigated. The agreed conclusions from this exercise will determine the level of investments in transport works that will be secured through a S106 agreement.

The planning application will include details of new junctions, servicing arrangements and car parking provision.

2.4 Land Assembly

Objective: To consolidate the Rodney Road Phase and Heygate Phase in to a single ownership and secure vacant possession prior to development commencing. To negotiate with the owner of the Shopping Centre Phase land with a view to bringing this into the development at the earliest possible stage, subject to viability.

How?: LBS to continue re-housing tenants on the Heygate Estate. In the case of leaseholders on the Heygate Estate LBS will continue to proceed with negotiation by way of agreement but will use CPO powers if necessary.

LL and LBS will continue to discuss the land occupied by the shopping centre with St. Modwens.

When?: In terms of Rodney Road Phase of the RA site LBS has already secured vacant possession. . In the case of the remaining Heygate Phase LBS continues to re-house tenants as rapidly as is practical and on 9th February 2010 agreed to pursue a CPO for the remaining leaseholders and other third party interests. LL will submit to LBS for its use a plan showing the extent of any land or interests to be acquired once the details of the scheme are fully understood.

2.5 Sustainability Strategy

Objective:

To deliver a sustainable redevelopment of the RA site that achieves the highest standards of environmental performance, demonstrates socially sustainable outcomes and seeks to meet the Council's objective of net zero carbon growth.

How:?

- The generation of renewable electricity provided by the Multi-Utility Services Company (MUSCo) and the connection of buildings and individual address points within them to the sustainable network of heat, water and telecoms provided by the MUSCo. These arrangements will initially achieve Code for Sustainable Homes 4 and have the capacity to achieve the sustainable requirements of the development over time.
- Apply good master planning and building design across the development, including passive solar alignment, predominant wind direction for cross flow, pedestrian friendly ground plans, etc
- Use appropriate green building rating tools throughout the project to guide the team's progress and ensure the best outcome is achieved including Code for Sustainable Homes Level 4 and BREEAM Excellent.
- Proactively seek opportunities to reduce carbon emissions beyond current Building Regulations throughout the energy hierarchy in design, construction and operation.
- Adopt the waste management hierarchy throughout the development process and in operation with the ultimate aim to reduce waste generated, maximise diversion from landfill and optimise reuse and recycling opportunities. Ensure that the ability to recycle, particularly for blocks of flats is designed into both the master plan and individual buildings. Investigate the use of an integrated waste management system.
- Aim to increase the ecological value of the development through understanding the local biodiversity flora and fauna, incorporating new habitats into the development and ensuring existing habitats are enhanced.
- Ensure materials and products are sourced responsibly and their life cycle is considered as integral to the selection process.

When:?

Key Performance Indicators (KPIs) will be developed to track our progress and report our performance in the consistent delivery of environmental and socially sustainable outcomes. In addition the SEA to accompany the planning application will provide further details on the impact of the scheme and the measures that are proposed to mitigate them.

2.6 Socio-Economic Strategy

Objective: The development will make a significant contribution to meeting LBS's employment and enterprise strategies and the London Plan target of 5000 new jobs for the Opportunity Area. LL and LBS intend to target those most disadvantaged in the labour market through the construction phases of the project as well as through the creation of new jobs in the completed development. LL and LBS will seek to provide SME and BME businesses with opportunities to access contracts during and post construction of the development:

How?: by way of a phased programme to deliver the following;

1. support local people into construction jobs with contractors on the development site;
2. formal construction Apprenticeships will be provided through the Development;
3. a programme to support local people to access jobs generated by the completed Development and associated local economic growth;
4. opportunities for those furthest from the labour market to progress towards employment opportunities.
5. a coordinator be provided to support the development, implementation and delivery of economic development programmes
6. actively encourage and provide information to SME and BME businesses to access contracts during and post construction of the development;
7. affordable retail space;
8. consider opportunities for local businesses through the temporary use of vacant land;
9. consider the development of affordable business space as part of the re-provision of office space currently in Hannibal House (Shopping Centre Phase), as market conditions improve.

When?: LL and LBS will agree targets for employment, training, affordable retail space . In addition the SEA will appraise the potential employment and business opportunities. Both LL and LBS will work with other potential agencies to secure additional funding to support the programme.

2.7 Consultation Strategy

Objective: Local residents, businesses and other stakeholders will be kept informed about scheme progress, have the opportunity to inform the content of the planning application, understand the development process and the critical decision points during it.

How?: A programme of consultation will build on the previous engagement activity that has been carried out at the E&C as part of the rehousing of Heygate residents and the preparation of the E&C SPG and Southwark Plan. The Planning and Regeneration Strategies above highlight that the next phase of work will be focused on the preparation of a planning application for the RA site. A programme of consultation using a variety of techniques including exhibitions, internet, local media and publications will be prepared by LL and LBS. The programme will be flexible to ensure that all sections of the community have opportunity to be involved.

When?: The full consultation programme will be produced three months after the RA is signed.

2.8 Estate Management Strategy

Objectives: To provide a comprehensive Estate Management Strategy for the completed development to ensure the quality, sustainability, choice and value of the scheme are maintained. The plan will need to identify long-term revenue streams for the maintenance of the area and an appropriate delivery structure. In addition the Estates Management will provide information on the management of the scheme during the development phase including proposals for appropriate temporary uses of vacant sites during the phased redevelopment of the area.

How?: To ensure that the high quality external environment is maintained the completed RA site will be managed by its own security, maintenance and cleaning service. In order to consider all the necessary requirements for this management company, all relevant stakeholders and professionals will be consulted to ensure that sustainability and maintenance of the environment is at the heart of the estate management principles.

Involvement of local residents and businesses in the future management of E&C is very important in the delivery of the estate management strategy. In order to facilitate their involvement a local stakeholder forum will be established building upon the model of engagement built throughout the planning and construction phase.

LBS and LL will undertake noise and air pollution monitoring during the demolition and construction phases. Contractors will be required to carry out works in accordance with LBS Codes of Construction Management which includes guidance on hours of operation and measures to mitigate impacts on neighbours. Contractors will also be required to sign up to the Considerate Contractor Scheme.

When? In terms of demolition, information on the methodology for undertaking these works will be produced as part of the prior approval notice which will be submitted to the planning authority and all this material will be publicly available. This includes information on noise and air pollution monitoring, asbestos removal, management on construction traffic and handling of waste.

Progress on the longer term management issues including proposals for temporary uses, establishment of the stakeholder forum and appointment of the management body will be updated through the annual business plan.

2.9 Health & Safety

Objectives: To undertake the development of the regeneration agreement area in accordance with LL's Incident and Injury Free Vision

How?: In order to achieve this philosophy the following actions will take place during the life time of the development:-

- All Contractors and Designers that are appointed by LL will be competence checked in line with UK Legislation, in addition to this, their ability to enhance and support the LL Incident and Injury Free Vision will be assessed;
- All Design will be in accordance with the LL Asset Global Minimum Requirements – this will be assured through the application of the Risks and Opportunities at Design (ROAD) Process and periodic Design GAP Analysis Reviews;
- All Contractors will work in accordance with the LL Construction Global Minimum Requirements through adherence to the contractually binding LL Employers Health & Safety Requirements. Performance against these standards will be monitored during the Monthly Assessments of Projects and Independent Audits.
- All Staff and Contractor Staff and Operatives will receive the 4 hour Incident and Injury Free Orientation if they are on site for more than 14 days
- All Supervisors will receive the Incident and Injury Free Supervisors Skills training
- All LL Staff will have Roles and Responsibilities for Health and Safety and will be competent to hold their role
- Safety Leadership Teams will be established at all levels of the development to drive safety performance and provide “Uncompromising Leadership” on safety
- Safety is our highest priority and will not be compromised.
- Everyone who is involved in the E&C development is accountable for safe outcomes
- LL truly believe that every incident is preventable but should an incident occur it will be robustly investigated to ensure that lessons are learned and implemented to prevent reoccurrence

A LL Health and Safety Assurance Team will be established on the development to provide overall assurance to the Head of Safety and the Executive Management Team that the LL Incident and Injury Free Vision is being met.

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3. Timing

Following the signing of the RA, the Masterplan will be subject to a period of review and consultation. Before work on the planning application can commence the project team need to “freeze” the masterplan design. The following is an indicative outline programme of the anticipated first 12/18 months:

Sign Development Management Agreement for Rodney Road Phase Demolition	16/3/10
Undertake surveys for Rodney Road Phase Demolition	Summer 2010
Make Application for Prior Notification for Demolition Rodney Road Phase	Summer 2010
Application for Demolition Approved	Summer 2010
Asbestos removal for Rodney Road Phase commences	Winter 2010
Physical demolition of Rodney Road Phase commences	Winter 2010
Physical demolition of Rodney Road Phase completed	Spring 2011
Sign Regeneration Agreement	Summer 2010
Masterplan review and consultation	Winter 2010-Spring 2011
Commence preparation of planning application	Spring 2011

CABINET AGENDA DISTRIBUTION LIST**MUNICIPAL YEAR 2010-11**

NOTE: Original held by Constitutional Team; all amendments/queries to
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