

Haringey Council

Written Statement/Record of a decision made by an officer under delegated authority

<p>Decision Maker (Post Title)</p>	<p>Head of Programme Management, Regeneration & Economic Development</p>
<p>Subject of the decision</p>	<p>Approval of contract waiver in accordance with CSO 10.0.02 (d) (ii) and (iii) to appoint Civic Earth Ltd for the provision of intrusive site investigation services at Down Lane Park.</p>
<p>Date of decision</p>	<p>05 March 2024</p>
<p>Decision</p>	<p>In accordance with CSO 10.0.02 (d) (ii) and (iii), for the Head of Programme Management – Regeneration and Economic Development, to approve a contract waiver for the appointment of Civic Earth Ltd, for the provision of intrusive site investigation services at Down Lane Park up to the value of £11,900+ VAT.</p>
<p>Reasons for the decision</p>	<p>A RIBA Stage 2 assessment of pre-existing Geo-Environmental survey information was initially judged by the design team engineers to provide sufficient information to affirm the proposed Hub building foundation solution. As the Hub building design has iterated through developed and detailed design, it has become necessary to seek further, more detailed below ground conditions information, so the proposed foundation solution can be verified or modified accordingly.</p> <p>Given the relatively late stage of the design process, this new information is required urgently to avoid a negative impact on design development, programme, and project costs. Civic Engineers are part of the existing wider design sub-consultant team, providing structural and engineering input, and there are time efficiencies in engaging their sister company Civic Earth to undertake the site investigations that are now required.</p> <p>Civic Earth have provided a proposal and quoted fee for Stage 1 (window excavation) investigation and Stage 2 (cable percussion borehole) investigation, allowing for the possibility that Stage 1 may prove inconclusive. The quoted fee for both stages is £11,900.</p> <p>It is noted that had the need for additional information been identified earlier it would have been prudent to seek three quotes.</p>

<p>Details of any alternative options considered and rejected by the officer when making the decision</p>	<p>Option 1 ‘Do Nothing’ This option was rejected. It would expose the council to undue design, tender, construction, and financial risk to progress RIBA Stage 4 (detailed designs) for without further, more detailed information about the below ground conditions necessary to verify or inform the modification of the proposed building foundation solution.</p> <p>Option 2 Seek three quotes. This option was rejected. Given the relatively late stage of the design process and the pressing need to obtain further, more detailed information about the below ground conditions, it would cause delays to design, programme, and likely start on site date, to pause design to run a tender exercise.</p> <p>Option 3 Approve contract waiver. Civic Earth have provided a proposal and fee that is considered sound and reasonable, and indicated an ability to mobilise quickly and provide the information required within a timeframe that will avoid any negative impacts on design development, programme and start on site date. It is therefore recommended to appoint Civic Earth Ltd to undertake intrusive site investigations. (Appendix 1).</p>
<p><u>Conflicts of interest – Executive decisions</u></p>	<p>N/A</p>
<p><u>Conflicts of interest – Non executive decisions</u></p>	<p>N/A</p>
<p>Title of any document(s), including reports, considered by the officer and relevant to the above decision or where only part of the report is relevant to the above decision, that part)</p>	<p>Appendix 1. Civic Earth’s scope and fee proposal</p>
<p>Reasons for exemption with reference to categories of exemption specified overleaf, or</p> <p>Reason why decision is confidential (see overleaf)</p> <p>Note: decisions containing exempt or confidential information falling within the categories specified overleaf are not required to be published.</p>	<p>Appendix 1. is exempt from publication as it contains information relating to the financial or business affairs of any person.</p> <p>Appendix 1. Civic Earth’s scope and fee proposal</p>

Signature of Decision Maker	
Name of Decision Maker	David Lee, Head of Programme Management – Regeneration & Economic Development
Does the decision need to be published? Yes <input checked="checked" type="checkbox"/> X No <input type="checkbox"/>	

DECISION MAKING REPORT

NOT FOR PUBLICATION by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

This report is not for publication as it contains information classified as exempt under Schedule 12A of the Local Government Act 1972 in that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

Report for: Head of Programme Management, Regeneration & Economic Development

Title: Down Lane Park Intrusive Site Investigations Contract Waiver

Lead Officers: Owain Jones, Regeneration Project Manager, Tottenham Hale

Ward(s) affected: Tottenham Hale

Report for Key/

Non Key Decision: Non key

1. Describe the issue under consideration

1.1 As part of the Down Lane Park Improvement Programme the council is investing up to £9m in the park improvement project. This involves delivery of a transformational landscape masterplan and a new Community Hub building, which have been co-designed with the community.

1.2 The masterplan includes:

- a new Passivhaus Community Hub building, café, and community garden
- new free to use (unfenced) basketball and netball courts
- new accessible and inclusive children's play
- improved access routes and entrances
- infrastructure improvements, including lighting and inclusive seating
- soft landscaping, including SuDS basins, and tree and bulb planting
- hard landscaping, including wider footpaths and cycle routes

1.3 This paper requests approval for a contract waiver to appoint Civic Earth Ltd to undertake intrusive site investigation for a value up of £11,900. Investigations are necessary to provide further, more detailed information about below ground conditions that will inform the design of the Community Hub building foundations.

2. Cabinet Member Introduction

N/A

3. Recommendations

3.1 That the Head of Programme Management – Regeneration and Economic Development, in accordance with CSO 10.0.02 (d) (ii) and (iii), approve a contract waiver for the appointment of Civic Earth Ltd, for the provision of intrusive site investigation services at Down Lane Park up to the value of £11,900+ VAT.

4. Reasons for decision

4.1 A RIBA Stage 2 assessment of pre-existing Geo-Environmental survey information was initially felt by the design team engineers to provide sufficient information to affirm the proposed Hub building foundation solution. As the Hub building design has iterated through developed and detailed design, it has become necessary to seek further, more detailed below ground conditions information, so the proposed foundation solution can be verified or modified accordingly.

4.2 Given the relatively late stage of the design process, this new information is required urgently to avoid a negative impact on design development, programme, and project costs. Civic Engineers are part of the existing wider design sub-consultant team, providing structural and engineering input, and there are time efficiencies in engaging their sister company Civic Earth to undertake the site investigations that are now required.

4.3 Civic Earth have provided a proposal and quoted fee for Stage 1 (window excavation) investigation and Stage 2 (cable percussion borehole) investigation, allowing for the possibility that Stage 1 may prove inconclusive. The quoted fee for both stages is £11,900. Civic Earth can mobilise quickly and provide the information required within a timeframe that will avoid any negative impacts on design development, programme, and project costs.

5. Alternative options considered

5.1 **Option 1 ‘Do Nothing’.** This option was rejected. It would expose the council to undue design, tender, construction, and financial risk to progress RIBA Stage 4 (detailed designs) for without further, more detailed information about the below ground conditions necessary to verify or inform the modification of the proposed building foundation solution.

5.2 **Option 2 Seek three quotes.** This option was rejected. Given the relatively late stage of the design process and the urgent need to obtain further, more detailed information about the below ground conditions as swiftly as possible, it would be imprudent and cause delays to design, programme, and likely start on site date, to pause design to run a tender exercise.

5.3 **Option 3 Approve contract waiver.** Civic Earth have provided a proposal and fee that is considered sound and reasonable, and indicated an ability to mobilise quickly and provide the information required within a timeframe that will avoid any negative

impacts on design development, programme and start on site date. It is therefore recommended to appoint Civic Earth Ltd to undertake intrusive site investigations.

6. Background information

6.1 The park improvement project has been progressed as a flagship co-design project with the Down Lane Park Community Design Group (CDG). Designs for the park have been shaped through 20 co-design meetings with the CDG over 19 months, two rounds of public engagement, and two rounds of independent design review.

6.2 Following extensive exploration of six alternate locations for the Community Hub within the park, including a 'pros and cons' analysis of each, the area to the south-west of Down Lane Park adjacent to Park View Road south was identified as the preferred location for the Community Hub building. This location provides several advantages, including:

- potential for a visible and active frontage to the street along Park View Road
- ease of access, including during winter, addressing safety concerns and supporting extended operation and viability
- close to east-west Ashley Link/Chesnut Road corridor, linking Tottenham Hale and the park to Tottenham High Road
- ease of access from Park View Road for arrivals, pick-up and drop-off, delivery servicing and emergency access
- located on existing hard standing, avoiding the loss of green space, with easier access to underground services
- close to and complementing existing and planned sports and play facilities within the park
- co-location with a new community garden (and growing space)
- potential to connect to the Decentralised Energy Network infrastructure in the future

6.3 The preferred location responds positively to independent feedback and advice provided by Urban Design London's Environmental Design Review Panel (EDRP) to locate the Hub to the south of the park. It is also supported by the Council's independent (design) Quality Review panel and the Local Planning Authority.

6.4 In the early stages of the Community Hub design development Civic Engineers reviewed a 2019 Geo-Environmental survey supplied by Haringey Council. This provided information about the site conditions, including the composition of the top soil and sub-strata yielded from the excavation of boreholes on the site.

6.5 The 2019 Geo-Environmental survey was initially judged by Civic Engineers to provide sufficient information to affirm the proposed Hub building strip foundation solution. However, upon further review it was identified that the data and information contained within the report was drawn from a limited number of boreholes located away from the proposed location of the new Community Hub Building and could not be relied upon with confidence.

- 6.6 The Hub building location is sited in an area conditioned by 'Enfield silt' river terrace deposits from the culverted river Moselle that runs beneath the park. These deposits and the below lying gravel can vary in thickness and granularity across relatively short distances affecting the ability to bear load from above.
- 6.7 Load bearing is also conditioned by the depth, granularity, and compactness of the silt and gravel and the depth and consistency of the underlying clay. Hence, the need to undertake further, more detailed intrusive site investigations to better understand the below ground conditions, to enable the proposed strip foundation solution to be verified or modified accordingly.

7. Contribution to strategic outcomes

7.1 This proposal will help to support the following strategic priority areas of the Corporate Delivery Plan:

7.1.1 Resident experience, participation and collaboration:

- High level outcome 2: inclusive public participation
- High level outcome 3: enabling community collaboration
- High level outcome 4: developing young voice

7.1.2 Responding to the climate emergency

- High level outcome 1: a greener and climate resilient Haringey

7.1.3 Adults, health and welfare

- High level outcome 1: healthy and fulfilling lives

7.1.4 Place and economy

- High level outcome 4: leveraging social value
- High level outcome 5: placemaking

8. Statutory Officers comments

N/A

Finance

Procurement

N/A as value is below £160k.

SSC

[Insert here]

Legal

N/A

Equality

N/A

9. Use of Appendices

Categories of Exemption

Exempt information means information falling within the following categories:

Part 1

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. Information relating to any consultations or negotiations or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed upon a person; or (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Part 2

Qualifications to the above exempt information:

- (a) Information falling within paragraph 3 above is not exempt information under that paragraph if it is required under – (a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) The Friendly Societies Act 1992 (d) The Industrial and Provident Societies Acts 1965 – 1978 (e) the Building Societies Act 1986 (f) The Charities Act 1993.
- (b) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- (c) Information which – (i) falls within any of paragraphs 1-7 above; and (ii) is not prevented from being exempt under (a) or (b) above is exempt information if and so long as, in the opinion of the Monitoring Officer, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.