



City and County of Swansea

Notice of Meeting

You are invited to attend a Meeting of the

Scrutiny Performance Panel – Development & Regeneration

At: Committee Room 5 - Guildhall, Swansea

On: Wednesday, 7 November 2018

Time: 10.00 am

Convenor: Councillor Jeff Jones

Membership:

Councillors: E W Fitzgerald, S J Gallagher, D W Helliwell, T J Hennegan, C A Holley, P R Hood-Williams, M H Jones, P K Jones, S M Jones, G J Tanner and T M White

Agenda

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|----------|--|----------------|
| 1 | Apologies for Absence. | |
| 2 | Disclosure of Personal and Prejudicial Interests.
www.swansea.gov.uk/disclosuresofinterests | |
| 3 | Minutes.
To approve & sign the Notes of the previous meeting(s) as a correct record. | 1 - 4 |
| 4 | Project Update Report <ul style="list-style-type: none">Huw Mowbray - Development and Physical Regeneration Strategic Manager | 5 - 13 |
| 5 | Penderyn Development - An Overview <ul style="list-style-type: none">Paul Relf - Economic Development and External Funding Manager | 14 - 17 |
| 6 | Work Plan 2018/2019 | 18 - 19 |
| 7 | Exclusion of Public | 20 - 25 |
| 8 | Penderyn Development - An Overview <ul style="list-style-type: none">Paul Relf - Economic Development and External Funding Manager | 26 - 45 |

Next Meeting: Wednesday, 9 January 2019 at 10.00 am

Huw Evans

Huw Evans
Head of Democratic Services
Wednesday, 31 October 2018

Contact: Scrutiny 636292

Agenda Item 3



City and County of Swansea

Minutes of the **Scrutiny Performance Panel – Development & Regeneration**

Committee Room 5 - Guildhall, Swansea

Wednesday, 12 September 2018 at 10.00 am

Present: Councillor J W Jones (Chair) Presided

Councillor(s)
E W Fitzgerald
C A Holley
T M White

Councillor(s)
S J Gallagher
P R Hood-Williams

Councillor(s)
D W Helliwell
M H Jones

Officer(s)
Phil Holmes
Bethan Hopkins
Huw Mowbray

Head of Economic Regeneration and Planning
Scrutiny Officer
Property Development Manager

Apologies for Absence
Councillor(s): P K Jones

1 **Disclosure of Personal and Prejudicial Interests.**

- None

2 **Notes**

- Approved

3 **Public Questions**

- None

4 **Project Update Report**

- The Panel were taken through the dashboard report
- This report is for the steering group and programme board to aid in monitoring projects
- The flow of information to this point has not been easy
- Will also need financial input from the relevant officer
- Phase 1 is underway – not all of Phase 1 is in the City Deal
- The digital arena detail is being progressed
- The hotel needs to be above a 3* to attract grant money

- Surveys are being undertaken to look at 'right to light' issues which may arise
- Not all projects are City Deal
- Some projects are a mixture of City Deal – felt that this could have financial complexity

Questions

1. What is the contingency plan if a 4* hotel is not achieved?

- It is likely a hotel won't be built
- There is an ongoing discussion around grant terms
- Some potential timing issues, ideally the arena and hotel need to be built at the same time

2. What is the capital budget commitment?

- £124m including construction, contingency and fees but the final figure is not set yet
- Swansea Council are borrowing a large sum
- A report will be produced with all of the final costing so borrowing can be decided
- The budget comes from the revenue fund and will end up as a capital asset
- This does put strains on the revenue budget
- Some of the money is a £6.8m loan from Welsh Government repayable over 20 years after the arena is built, interest free and with first payments delayed until arena opening
- The only capital sum is £1.5m for early work
- The main capital comes once the final figures are out on cost

3. To build a 4* are we leasing to a hotel company

- A developer will contract to Swansea Council and then franchise it to the relevant company
- Visit Wales will issue the grant to the developer not the Council

4. Given that work is progressing on the area, what will the internal shape be like?

- The internal shape is flexible and can have different formats
- There is a 3500 maximum capacity
- There can also be the capacity for conferences and meeting rooms with VIP areas

5. If ongoing consultation is happening with local people, how often are we meeting with people and businesses?

- This is one of the first projects in Wales to go through new planning process which requires much more consultation
- There are ongoing and regular meetings, sometimes monthly, with affected businesses

6. 3500 capacity seems a modest capacity for a pop concert

- Being told that the arena industry is changing and people want smaller concerts
- ATG, the arena operators, have bargaining power
- Lots of market research was done in advance
- ATG are entering into a 30 year lease
- The University is keen to bring educational conferences along with the tech industry
- It is a competitive area

7. Has the business plan been signed off, it was supposed to have been done in June?

- Not yet
- The Kingsway infrastructure is paid for by Swansea Council and a grant from WEFO
- There have been some issues with contractors but these are resolved and there are monthly meetings and consultation with residents

8. The Kingsway work is phased, are all of those projects working together?

- The work is being monitored on a daily basis to mitigate any issues
- There will be disruption as it is major work
- Managing compounds is important

9. Is there interest for occupation on Kingsway?

- If we don't develop it will stay empty
- Developers are buying chunks of property
- It will never be a retail area again
- Looking to capitalise private developers and independent shops

10. Swansea has low levels of GVA

- We are hoping to generate income with the tech jobs

11. As long as we are on target we should keep going, we need to ensure the authority are supporting small shops

- There aren't enough people working and living in the City Centre, hopefully this will change
- There are too many students in the City Centre

12. What is the 'play strategy' and where will it be?

- The Council adopted the play policy, the character is Dilly the Dragon
- There will be play trails throughout the City Centre

13. The CUIDAR project looks at how children and young people need to be involved when things go wrong e.g. high risk venues, this sort of emergency planning should be considered

- The team will follow this up (sent links)

14. What exactly is the digital square?

- It is the arena plus the public area around it
- The Digital Village is the Kingsway office space
- Swansea has a strong track record of creating businesses but the record for retaining them is poor

15. What are the plans for the arcade in town?

- Would like to see some more footfall and changes of access in and out of the arcade to create better links

16. What is the impact of losing the 5G project?

- Lost out to more advanced areas but the bid was good
- Already looking at other bids and it raised the profile of Swansea

17. What is the occupancy level of the Kingsway building?

- 50% needs to be let before we progress
- There are potential occupants

18. What is the process for the business deal once signed off?

- Feedback is due from Government in October
- There is a Public Sector and Private Sector group

- Analysis of projects done by private sector group then public sector group
- **19. The City Deal money seems secondary**
- The Council has to borrow upfront and are paid back as the money comes in over the next 15 years
- The Swansea project is first phase money
- City Deal government funding is approximately £36m over 15 years, Local Authority funding will be approximately £76m, other projects will be in addition to this, this will need to be clarified

Other information

- Some flooding and drainage issues on the Tawe river currently – this is being reviewed
- The only funding authorised for Castle Square is £50k for feasibility studies, then any proposal goes to Cabinet
- The 'choke' points around the City are due to be looked at – Dyfatty and Fabian Way
- The project teams dealing with this work are not big enough and working extremely hard

5 Work plan 2018/19

- Keep current work plan as it is
- Invite relevant Cabinet members to each session
- Potential for work plan to be flexible going forward

The meeting ended at 11.40 am

Chair

City Regeneration

Dashboard Report
22nd October 2018



Swansea Central - Phase 1

RAG Status	Timescales	Budget	Resource
	Amber	Amber	Amber/Red

Progress highlights

- **Early Works to Wellington Street: On site.**
 - Tesco works will run mid Jan to mid April - subject to Tesco Agreement. Reserved Matters Application approved at Planning Committee.
 - Listed Building Consent application submitted with Reserved Matters.
- **Design:**
 - RIBA Stage 3 designs not complete as a number of items including arena internal design and the north side designs need to be revised as they are currently over budget.
 - Cabinet report programmed for November.
- **Rights to Light (S203);**
 - Letters to Marina residents to be issued this week
- **Main Contractor Procurement:**
 - Stage 4 Contractor Appointment - Contractor has been issued a letter of intent to enter into the PCSA agreement.
- **Hotel:**
 - Extension provided to hotel bidders as a result of engagement with Visit Wales and WG over grant terms and conditions. Visit Wales response awaited.
- **Residential/ MSCP/ Commercial:**
 - Discussions ongoing with Pobl.
- **Arena.** ATG required to sign off RIBA Stage 3. Interior finishes, service yard, lift, and loges/priority seating to be resolved
- **Bridge** – Application for Grant Funding currently being prepared.

Actions to be completed for next CRPB

- Feasibility for the North-side block.
- Ongoing review of maintenance, running costs, events and lifecycle costs.
- Preparation of Management Plan
- Ongoing discussions with Church, LC and Waterfront Museum
- Conclude contractor procurement PCSA.
- Conclude Hotel procurement.
- Agree Digital Strategy including public realm WIFI
- Review Council acquisition of residential.

Risks

- The Revetment Wall structural works/ Enabling Works Package
- Residential and Hotel aspects require further consideration and could cause delays.
- ATG Variations & ATG Gateway 2 sign-off

Financial update

Kingsway – Infrastructure & Public Realm

Phase 2: Main Contract Works

Timescales	Budget	Resource
Green	Green	Amber

Progress highlights

- Stakeholder meetings held on 26/09/18.
- Concerns over appearance of site/pedestrian safety/prolongation/cost of achieving the traffic switch to be raised at a meeting between Director of Place & Dawnus Director.
- Contractors geared up to enable the above with contractors working on Saturday/Sunday.
- Promotional measures (request from BID Directors) have been explored:
 - instructions issued to contractor to procure and erect banners on The Kingsway reading ‘Thank you for your patience, as we improve your city centre’;
 - potential for the land-train to run onto The Kingsway;
 - potential for a radio campaign.
 Proposals for the latter two to be presented for agreement of funding, following discussions with Corporate Marketing, Culture & Tourism & CCMgt.
- Grove PI pedestrian crossing reopening delayed by WWU & Kingsway NCP crossing to be open week of 22/10/18.
- BT/Openreach upgrading fibre network as a consequence of impending embargo/SC fibre network.
- Further to ducting up south side of Kingsway for fibre network, cost of £180k incurred with 3 wk prolongation. A northern duct would add a further 3 weeks prolongation, adding an extra £180k - £200k. Advice is that whilst there is a cost we should put 1-2 ducts in to future proof the works.

Actions to be completed

- Next meeting of stakeholder group on Wed 24/10/18.
- Hold Directors meeting and agree.
- Reopened crossings at Kingsway NCP & Grove Place.

Key Risks

- Any change in the design of The Kingsway Infrastructure Project will have implications on programme and the delivery of the 2 way ‘switch’ in 2019 and budget. It would also impact on the WEFO funding for which an agreed scheme has been presented. **Constant.**
- Performance of contractor in managing a well-maintained site, such as debris being left on site and materials being left on works area, brings negative perception and needs monitoring. **No change.**
- Limited compound areas available in proximity to city centre, which needs addressing. Becoming critical with the contractor potentially claiming costs against the availability of sufficient local space. Impact on cost and Programme. **Constant.**

Decisions required

1. Agree to proceed with ducting on north side of Kingsway,

Kingsway – Strategy & Digital Services

RAG Status	Timescales	Budget	Resource
	Green	Green	Amber

Progress highlights

Actions to be completed for next CRPB

Strategy Review

- | | |
|---|---|
| <ul style="list-style-type: none"> ▪ Interim Feedback meeting held with Urbanists on 4/10. Comments received from Planning and Regeneration generally very positive. ▪ Recommendations made for amendments and additions, including clarification of relationship with LDP, incorporation of evidence base and integration of further detail on Parking Strategy, Digital Village, and Green Infrastructure. ▪ Further specific consideration required of Development management implications, delivery of land use clustering, control of change of use proposals and quality of residential provision. | <ul style="list-style-type: none"> ▪ Urbanists to address comments once other Strategy and detailed design work is available early 2019. ▪ Also targeted meeting proposed with DM/Devel. Control Officers to consider implementation/delivery issues. |
|---|---|

Parking Strategy – to be updated

- | | |
|---|--|
| <ul style="list-style-type: none"> ▪ WSP formally appointed and currently collating information for review. ▪ Currently awaiting information from stakeholders including UWTSD. ▪ Timeframe for completion of initial outcome to inform Lot 1 (Review of The Kingsway and Orchard Street Strategy) to be determined. Lot 1 completion dependent on this. | <ul style="list-style-type: none"> ▪ Feedback from initial review regarding Kingsway and Swansea Central. |
|---|--|

Digital Strategy

- | | |
|---|--|
| <ul style="list-style-type: none"> ▪ Further to the appointment of Spirit Public Sector (SPS) by SC to develop City Centre Digital Strategy, the Region has appointed Cube/Innovation Point (CIP) to progress a 5 case business model Reg Digital Strategy, & to advise on progress of the LFFN bid; | <ul style="list-style-type: none"> ▪ SPS and CIP to work to seek an acceptable way forward. ▪ Seek progression of the digital strategy strand and progress planning for short and long term fibre connections to the new developments. |
|---|--|

Key Risks

Decisions required

Strategy Review

<p>The final completion of the draft Strategy (lot 1) and Digital Village (lot 2) may be delayed if there are any delays to the delivery Parking Strategy</p>	<p>Lead Resource for Digital Strategy needs to be identified ASAP.</p>
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Kingsway - Digital Village

Timescales	Budget	Resource
Green	Green	Amber

Progress highlights

Actions to be completed for next CRPB

Digital Village

- | | |
|---|--|
| <ul style="list-style-type: none"> ▪ Stage 1 report completed. Revised brief developed. Programme drafted. ▪ Risk and Design Workshop held 11/10. ▪ Procurement workshop held - 1 stage or 2 Stage D & B route preferred | <ul style="list-style-type: none"> ▪ Architecture 00 to present Stage 1 report to CRMSG. ▪ Consultation to commence after CRMSG. ▪ Project to progress to RIBA 1/2 ▪ Engagement with key Council stakeholders to be taken forward. |
|---|--|

232/233 Oxford Street & 70 The Kingsway

- | | |
|--|---|
| <ul style="list-style-type: none"> ▪ Further to reporting previously that the project had been on stop on site for another 2 weeks (moving the anticipated completion mid to late Nov 18), the subcontractor failed to return to site for 3 weeks despite redesign of the structural elements to cater for issues within adjoining buildings. ▪ It has been made clear that the additional prolongation will be at the cost of the main contractor who will be responsible for any additional costs/work to mitigate this further delay. ▪ If an acceptable methodology is not arrived at then this could extend works beyond Nov. An instruction given to remove unsightly scaffold and erect a new hoarding to improve appearance, and to enable works to take place safely behind during the lead in to Christmas. | <ul style="list-style-type: none"> ▪ Resume works and agree revised programme. ▪ Discussions taking place with Culture & Tourism to brand the hoarding. Erect new hoarding to improve appearance. |
|--|---|

Key Risks

Decisions required

Digital Village

- | | |
|--|---|
| Terms and Conditions of City Deal currently unknown. | Principles of stage 1 report accepted and approval to progress with updated brief |
|--|---|

232/233 Oxford Street & 70 The Kingsway

- Despite building conditions surveys being undertaken some unknown risks may present as the buildings are stripped as referenced above. **No change.**
- Unknown issues may present when in the ground at basement level. **No change.**
- Budget increase likely due to structural design change. **No change**

City Deal

RAG Status	Timescales	Budget	Resource
	Green	Amber	Amber

Progress highlights

- 5 Case Business model Responses submitted to WG in July; awaiting response.
- Cube appointed by the region to progress digital scheme and LFFN.
- Discussions on going on Local Full Fibre Network bid. Mike Galvin and Cube are progressing a LFFN bid and 5 case business model for main project.
- Scrutiny request for monthly report - to be discussed at CRPB.
- Cabinet report currently scheduled for October to consider funding and progress issues.

Actions to be completed for next CRPB

- MN to progress City-wide Digital Strategy.
- MN to raise Terms and Conditions and timing of funding with Leader

Key Risk

- T&C's for funding unknown. Region being pressed to establish.
- Timing of funding unknown. Regional discussions continue.
- Government expectations of what needs to be in place before funding is released unknown. Region being pressed to establish.

Decisions required

None

Tawe Riverside Corridor

Timescales	Budget	Resource
Green	Red	Amber

Progress highlights	Actions to be completed for next CRPB
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Masterplan	Economy & Infrastructure PDC Tawe Riverside workshop scheduled for 22/10/18.	Advance preparation & discussion with officers and NRW for workshop.
Drainage provision	<ul style="list-style-type: none"> Aecom draft of Drainage Strategy received 04/10/18. Provisional arrangements to meet with DCWW w/c 15/10/18 to discuss Aecom report and implications/next steps. 	Funding being explored by External Funding team in conjunction with other infrastructure requirements.
Flood Mitigation	<ul style="list-style-type: none"> NRW Discretionary Planning Advice (DPA) form submitted. Clarification questions received from NRW with regard to the status of the Hydraulic model- costs of their evaluation tbc within 30 days. 	Likely that a re-classification of flood zone will be required, with necessary approaches to WG.
Skyline Kilvey Hill	<ul style="list-style-type: none"> Initial costings for the scheme have returned higher than anticipated. It is believed that the build costs have been inflated due to nervousness of the build by Skyline Consultant QS, further work needed. Swansea Council requested Skyline to advise of funding gap to seek support from Welsh Gov to assist. Potential conflict with construction within 50m of the mast site, contact made with Arqiva (owners of mast site), awaiting confirmation of their availability. Ongoing discussions with WG. 	<ul style="list-style-type: none"> Once scale is understood, further discussion required with Duke of Beaufort regarding easement to cross the River Tawe and possible fee for over sailing rights. M&E investigation works required to understand costs to the SC delivering the services to the site boundary.
Park and Ride Relocation	Outcomes from Swansea Parking Strategy (WSP) will set the context for the preferred relocation/siting solution. Parking Strategy front loaded to reflect the more immediate requirements to guide the Tawe Riverside Strategy approach with regard to the potential redevelopment of the P&R site	<ul style="list-style-type: none"> Highways to be instructed should any short term feasibility be required. Next steps will depend on outcomes from Swansea Parking Strategy.
Powerhouse Redevelopment Penderyn/HLF/SU	<ul style="list-style-type: none"> HLF Round 2 application announcement November LBC consent received. NRW have requested additional mitigation measures to be provided on ecology (specifically bats). Once provided planning approval will be provided. 	<ul style="list-style-type: none"> Initial (approval) meeting with HLF to have taken place following the approval. Permission to Start form to have been received, drafted and ready for issue to HLF. Additional mitigation measures submitted to NRW. Planning Approval impending/received.

Key Risk	Decisions required – None
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Drainage provision	Significant risk. Absence of sewage and drainage infrastructure on site will hinder further development in the wider HCW site. Budget to be identified for infrastructure works.
Powerhouse	Total cost implications to ecology requirements as part of planning application impending approval to be realised.
Flood mitigation	Budget implication of Discretionary Planning Advice process – currently no budget identified

Strategic Sites and Projects Overview

Project	Update	Timescale	Budget	Resource
Castle Square	<ul style="list-style-type: none"> ▪ Timescale from Amber to Green ▪ Draft development management agreement issued to the 6 preferred bidders on 12/10/18. ▪ Deadline for ITT returns extended again (02/11/18) to provide bidders with sufficient time to review and respond if required. 	G	G	G
Felindre	HOTs agreed and cabinet report for Distribution facility been to cabinet this month. Lease being drafted.	G	G	G
Mariner Street	<ul style="list-style-type: none"> ▪ Budget and Resource from Red to Green. ▪ Revised Planning application approved by Planning Committee 2nd October. ▪ Delegated Powers report seeking agreement to SC funding for relocating NR from Mariner Street to High Street and amendment to the super-profits clause of the DA has been approved and arrangements being made to release the funds into the relevant capital and revenue budgets to allow relocation works order to be placed. ▪ Site investigation work to commenced 15th October. Press release being issued to coincide. ▪ Amendments to the DA and Indemnity agreements currently being drafted. ▪ Cooperation agreements issued as part of NR Station Change procedure. 	A	G	G
Liberty Land Swap	Contracts exchanged and completion due this month.	G	G	G
Swansea Central – Phase 2	Developing proposals in light of current market conditions and wider City Centre strategy. Cushman Wakefield producing market analysis.	G	G	G
Swansea Vale	New FPR7 with re-profiled anticipated spend/income for the next 3 years will go to Cabinet on 18/10/18 for approval, this will inform spend and works moving forward.	G	G	G
Swansea Bay/ West Pier	Swansea Bay internal consultation on potential development sites under review in conjunction with Planning and Corporate Estates. Initial response complete	G	G	G

External Funding Overview

Programme/Project	Update	Timescale	Budget	Resource
01. Welsh Government external funding sources				
VVP Swansea City Centre 2012- 2016	Output returns continuing	G	G	G
VVP Pipeline 2017/18	All grant payments issued to solicitors holding accounts	G	G	G
Targeted Regeneration and Investment Programme 2018 – 2021	Regional Plan approved by Cabinet Thematic grant scheme applications approved in principle, awaiting formal offer letters; year 1 schemes endorsed by Regeneration Swansea partnership	G	G	G
Town Centre Loan Fund	Two full applications issued with submission pending, one EOI in discussion with applicant.	A	G	G
02. ERDF Priority 4				
Building for the Future	Various schemes progressing through system BHS top priority following by Kings Building, Orchard House, Albert Hall, Palace	G	G	G
Kingsway Infrastructure	Regular monitoring ongoing	G	G	G
Dyfatty/ Strand	Watching brief on further funding availability. – WEFO very underspent across programme – money might be vired but timescales will be tight	R	R	R
City Centre wider infrastructure (marina bridge etc.)	Watching brief on further funding availability.	A	A	A
Hafod Copperworks: Wider site: infrastructure	Draft application with Welsh Government for comment.	A	A	A
03. Heritage Lottery Fund/Cadw				
Morrison Townscape Heritage Initiative (HLF)	Early planning for wider HLF scheme.	G	G	G
Musgrave Engine house (Scheduled Ancient Monument) CADW	Scheme on site, scaffolding completed, Gantry crane and roof timbers removed. Replacement bricks agreed with Cadw. Options for enhancing the scope of the works via alignment with the TRI strategic project are being investigated.	A	A	G

Agenda Item 5



Report of the Cabinet Member for Culture, Tourism and Major Projects

To the Development and Regeneration Scrutiny Performance Panel – 7th
November 2018

Hafod Copperworks Powerhouse Re-development Project: Heritage Lottery Funded (HLF)

Purpose:	To brief/update the Development and Regeneration Scrutiny Performance Panel on the HLF funded, Hafod Copperworks Powerhouse Re-development Project
Content:	A briefing/update on the background, and progress of the HLF funded, Hafod Copperworks Powerhouse Re-development Project
Councillors are being asked to:	Consider the information provided and to forward views to the Cabinet Member via a letter from the Panel Convener
Lead Councillor:	Councillor Robert Francis-Davies, Cabinet Member for Culture, Tourism and Major Projects
Lead Officer & Report Author:	Paul Relf Tel: 01792 636858 E-mail: paul.relf@swansea.gov.uk

1. Background

- 1.1 In 2016, Swansea Council led a grant application to Heritage Lottery Fund (HLF), via a new programme, Heritage Enterprise to seek funding to progress the conceptual designs of the Purcell Masterplan prepared in 2015, for the Powerhouse Building at the derelict Hafod Morfa Copperworks Site.
- 1.2 Swansea Council has a Memorandum of Understanding with Swansea University as a partner in respect of the Hafod Morfa Copperworks site, which states that Swansea Council is the lead for delivery, but is supported by Swansea University for research development.
- 1.3 Since 2016, the project has progressed to a position where an end tenant has been established as Penderyn Whisky, and funding is in place to deliver a fully designed and constructed building at the Powerhouse site at the Hafod Morfa Copperworks. Thus, creating a visitor attraction in this derelict, but historic

destination, which in turn has acted as a catalyst by creating other exciting development opportunities in close proximity to this projects site, and the Hafod Morfa river corridor, further extending the site's appeal and Swansea visitor destination status.

2. Briefing/Main body of report

- 2.1 The site contains twelve grade II listed buildings or structures related to the copper industry, most of which were built during the nineteenth century following the opening of the Hafod works in 1810, and the Morfa works in 1835. By the middle of the nineteenth century the works played a key role in Swansea's production of 65 percent of the world's smelted copper output, making Morfa the largest industrial complex of its type in Europe.
- 2.2 The project focuses on the Powerhouse building located within the tangible remains of the Hafod-Morfa Copperworks, which occupies 12.5 acres of land on the west bank of the River Tawe in the Lower Swansea Valley.
- 2.3 The Hafod Copperworks Powerhouse Re-development project, will establish a high profile, financially viable, sustainable core at the internationally significant site of the former Hafod-Morfa Copperworks, Swansea that was the crucible of the world copper industry in the 1800s.
- 2.4 It will do this by regenerating the grade II listed Powerhouse building, and part of the grade II listed Rolling Mill. It will provide a long-term home for a private sector occupier, to act as the catalyst to unlock further phases of integrated development through mixed commercial, housing and community uses at the site to make it once again a hub of innovation, aspiration and wealth creation for Swansea and the wider region.
- 2.5 The world-class Penderyn Whisky company has identified the site as its base for expansion of their highly successful business at the Grade II listed Powerhouse building, and part of the Grade II listed Rolling Mill Hafod-Morfa Copperworks Site in Swansea.
- 2.6 The project will provide a stimulating visitor attraction that will attract a wide range of local, national and international audiences and will link the commercial operations of Penderyn Whisky with the risk copper history of the site. The project will build upon the platform of the highly successful access, community engagement, master-planning and stabilisation works already undertaken by the City and County of Swansea and Swansea University through the Cu@Swansea project.
- 2.7 The aim of the project is to accommodate Penderyn Whisky's commercial operation including manufacture of spirit and charged-for whisky and heritage tours attracting initially around 40,000 visitors a year scaling up to 100,000 over 5 years and creating 19.5 FTE jobs.
- 2.8 The HLF grant application is split into two stages:

Round 1 – Development Phase	To design the project up to and including RIBA Stage 3, including submission of Planning and Listed Building Consent applications.	July 2016 to May 2018
Round 2 – Delivery Phase	To design and undertake physical re-development works to the buildings to a shell and core finish, otherwise referred to as RIBA Stage 4 to 7	November 2018 to February 2021

- 2.9 Approval was received in June 2016 to undertake the Round 1 design stages and to complete the Round 2 application to HLF to secure the additional funding to complete design, and deliver the shell and core refurbished buildings. In May 2018, in readiness for the HLF deadline, the Round 2 application was submitted to HLF.
- 2.10 A multi-disciplinary team was appointed in July 2017 to undertake both Round 1 and Round 2 design requirements, including cost and project management function. A break clause was included in their contract should the Round 2 application not be successful and the funding not be in place to undertake the remaining design phases and delivery of the project.
- 2.11 A site visit and meeting took place with representation of the UK-level HLF Trustees, HLF, senior representation from Penderyn Whisky, political and senior representation from Swansea Council as a pre-requisite to the Round 2 application being presented to HLF Committee on the 5th September 2018, and HLF UK Trustees on the 25th September.
- 2.12 The project has received Listed Building Consent. At the time of writing this report, some additional elements have been requested to complete the planning application process by NRW regarding ecology. This is currently being gathered and upon submission, the planning application process should be complete.
- 2.13 Works to secure the Scheduled Ancient Monument, The Musgrave Engine House, that houses the Musgrave Engine, funded by Cadw to address structural stability, windows, doors and roof providing a safe and weather tight space for further development.

3. Conclusions/Key Points Summary

4. Legal implications

- 4.1 The Council will need to comply with the terms and conditions attached to any grant funding utilised in conjunction with the regeneration match funding budget identified in this report.
- 4.2 All contracts for works, goods and services necessary to deliver the projects must be procured in accordance with the Council's Contract Procedure Rules

and the relevant EU Regulations as appropriate. The contractual liabilities/obligations of the Council and any appointed contractors will be covered by the individual contracts entered into.

- 4.3 All statutory consents required in proposals to utilise the regeneration match funding budget will be the responsibility of the Planning and City Regeneration Division.

5. Finance

Breakdown of HLF Grant – Total Project Cost

Total for Round 1 and Round 2	
Total Delivery Costs	£5,521,681
HLF Delivery Grant Award	£3,757,000
Match Funding – CCS Core Funding	£1,764,681

- 5.1 Phase 1 costs were charged to Revenue Cost Centre 42110. Match funding requirements of £1,764,681 has been secured via £1.74m from the existing Capital Programme. The remaining sum of a circa £20k has been funded via capital code C06554.
- 5.2 There will be no future revenue implications arising from the schemes other than potential redundancy costs that are included within the staff costs budget headings at the cessation and ultimate delivery of the scheme.

Glossary of terms:

HLF – Heritage Lottery Fund

Background papers:

None.

Appendices:

None.

Agenda Item 6

Development and Regeneration Scrutiny Performance Panel Work Plan 2018/19

Date	Agenda
<p><u>Meeting 1</u></p> <p>19th July 2018 1pm Committee Room 3B</p>	<p>Finance and Budget Update</p> <ul style="list-style-type: none"> • Ben Smith - Head of Financial Services & Service Centre
<p><u>Meeting 2</u></p> <p>12th September 2018 Committee Room 5</p>	<p>Dashboard Project Update</p> <ul style="list-style-type: none"> • Phil Holmes – Head of Planning and City Regeneration • Huw Mowbray - Development and Physical Regeneration Strategic Manager
<p><u>Meeting 3</u></p> <p>7th November 2018 Committee Room 5</p>	<p>Dashboard Project Update</p> <ul style="list-style-type: none"> • Phil Holmes – Head of Planning and City Regeneration • Huw Mowbray - Development and Physical Regeneration Strategic Manager <p>Penderyn – An Update</p> <ul style="list-style-type: none"> • Paul Relf - Economic Development and External Funding Manager • Huw Mowbray - Development and Physical Regeneration Strategic Manager •
<p><u>Meeting 4</u></p> <p>9th January 2019 Committee Room 5</p>	<p>Dashboard Project Update</p> <ul style="list-style-type: none"> • Phil Holmes – Head of Planning and City Regeneration • Huw Mowbray - Development and Physical Regeneration Strategic Manager <p>Planning and Student Accommodation</p> <ul style="list-style-type: none"> • Paul Meller - Strategic Planning and Natural Environment Manager • Ryan Thomas - Development Conservation and Design Manager

<u>Meeting 5</u> 28 th February 2019 Committee Room 5	Dashboard Project Update <ul style="list-style-type: none"> • Phil Holmes – Head of Planning and City Regeneration • Huw Mowbray - Development and Physical Regeneration Strategic Manager
	Skyline <ul style="list-style-type: none"> • Huw Mowbray - Development and Physical Regeneration Strategic Manager
<u>Meeting 6</u> 10 th April 2019 Committee Room 5	Dashboard Project Update <ul style="list-style-type: none"> • Phil Holmes – Head of Planning and City Regeneration • Huw Mowbray - Development and Physical Regeneration Strategic Manager
	Enterprise Zones and Business Parks <ul style="list-style-type: none"> • Paul Relf - Economic Development and External Funding Manager • Paul Meller - Strategic Planning and Natural Environment Manager

Agenda Item 7



Report of the Chief Legal Officer

Development and Regeneration Performance Panel – 7th November 2018

Exclusion of the Public

Purpose:	To consider whether the Public should be excluded from the following item of business.	
Policy Framework:	None.	
Consultation:	Legal.	
Recommendation(s):	It is recommended that:	
1)	The public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as set out in the Paragraphs listed below of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 subject to the Public Interest Test (where appropriate) being applied.	
	Item No.	Relevant Paragraphs in Schedule 12A
	8	14
Report Author:	Scrutiny	
Finance Officer:	Not Applicable	
Legal Officer:	Tracey Meredith – Chief Legal Officer (Monitoring Officer)	

1. Introduction

- 1.1 Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, allows a Principal Council to pass a resolution excluding the public from a meeting during an item of business.
- 1.2 Such a resolution is dependant on whether it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I of the Local Government Act 1972.

2. Exclusion of the Public / Public Interest Test

- 2.1 In order to comply with the above mentioned legislation, the Panel will be requested to exclude the public from the meeting during consideration of the item of business identified in the recommendation to the report on the grounds that it involves the likely disclosure of exempt information as set out in the Exclusion Paragraphs of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.
- 2.2 Information which falls within paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.3 The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in **Appendix A**.
- 2.4 Where paragraph 16 of the Schedule 12A applies there is no public interest test. Councillors are able to consider whether they wish to waive their legal privilege in the information, however, given that this may place the Council in a position of risk, it is not something that should be done as a matter of routine.

3. Financial Implications

- 3.1 There are no financial implications associated with this report.

4. Legal Implications

- 4.1 The legislative provisions are set out in the report.
- 4.2 Councillors must consider with regard to each item of business set out in paragraph 2 of this report the following matters:
 - 4.2.1 Whether in relation to that item of business the information is capable of being exempt information, because it falls into one of the paragraphs set out in Schedule 12A of the Local Government Act 1972 as amended and reproduced in Appendix A to this report.
 - 4.2.2 If the information does fall within one or more of paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended, the public interest test as set out in paragraph 2.2 of this report.
 - 4.2.3 If the information falls within paragraph 16 of Schedule 12A of the Local Government Act 1972 in considering whether to exclude the public members are not required to apply the public interest test but must consider whether they wish to waive their privilege in relation to that item for any reason.

Background Papers: None.

Appendices: Appendix A – Public Interest Test.

Public Interest Test

No.	Relevant Paragraphs in Schedule 12A
12	Information relating to a particular individual.
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 12 should apply. His view on the public interest test was that to make this information public would disclose personal data relating to an individual in contravention of the principles of the Data Protection Act. Because of this and since there did not appear to be an overwhelming public interest in requiring the disclosure of personal data he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
13	Information which is likely to reveal the identity of an individual.
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 13 should apply. His view on the public interest test was that the individual involved was entitled to privacy and that there was no overriding public interest which required the disclosure of the individual's identity. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
14	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 14 should apply. His view on the public interest test was that:</p> <p>a) Whilst he was mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, the right of a third party to the privacy of their financial / business affairs outweighed the need for that information to be made public; or</p> <p>b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts.</p> <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>

No.	Relevant Paragraphs in Schedule 12A
15	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 office holders under, the authority.
	The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 15 should apply. His view on the public interest test was that whilst he is mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them he was satisfied that in this case disclosure of the information would prejudice the discussion in relation to labour relations to the disadvantage of the authority and inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.
16	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
	No public interest test.
17	Information which reveals that the authority proposes: (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) To make an order or direction under any enactment.
	The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 17 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by the public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.
18	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
	The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 18 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest

	test, which they must decide when considering excluding the public from this part of the meeting.
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Agenda Item 8

By virtue of paragraph(s) 14 of Schedule 12A
of the Local Government Act 1972
as amended by the Local Government (Access to
Information) (Variation) (Wales) Order 2007.

Document is Restricted

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