

Portfolio Member:	Councillor Sally Hannon
Tel. No.:	01635 846855
E-mail Address:	Sallyhannon@hotmail.com

Contact Officer Details	
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Name:	Nick Carter
Job Title:	Corporate Director (Strategy & Commissioning)
Tel. No.:	01635 519103
E-mail Address:	Ncarter@westberks.gov.uk

Implications

- Policy:** The selection of a preferred developer forms a key element of the implementation of the Newbury 2025 – A Vision for Newbury Town Centre and the previous Executive decision set out in the Part II report entitled “Park Way Retail Development” considered on the 25 September 2003.
- Financial:** The costs associated with this project have already been approved by the Executive and form part of the Council’s Three Year Capital Programme.
- Personnel:** The project is supported by an in-house team and specialist consultants.
- Legal:** Officers in the Legal and Electoral Service in conjunction with Pinsents are to oversee the preparation and issue of the OJEU notice.
- Property:** The Council is the owner of a key element of the site proposed for development.
- Risk Management:** No issues arise from this report and the enclosures.

Supporting Information

1. Background

- 1.1 On the 25th September 2003 the Executive approved the principle of a Council led extensive development of the Park Way site and confirmed the desire to appoint a preferred developer.
- 1.2 Following the adoption of a Planning Brief as Supplementary Planning Guidance, (considered earlier at this Executive meeting) setting the site in a wider planning context, the next stage of the process is to invite prospective developers to set out initial proposals for a mixed retail and residential scheme incorporating car parking on the site.
- 1.3 The initial step in this process is for an OJEU notice to be published inviting developers to indicate their interest in being considered for the appointment as the Council's preferred developer. The notice will be published immediately following adoption of the Planning Brief, the primary reference document for developers. This is planned to take place on 14th May.
- 1.4 An OJEU Notice is considered necessary because whilst pure land transactions are not caught by the public procurement rules, mixed land and procurement arrangements can be. The Park Way Redevelopment project could be construed as involving the procurement of works. It is also important to consider that if works are not being procured from a developer, then services could be. It is unclear at this stage exactly what type of contract or concession may arise so a route which can cover all eventualities is appropriate. If the proposed route is not taken there is a significant risk that the Council may need to start its selection process from scratch.
- 1.5 The prospective partners will be invited to bid in two stages. First the prospective partners will develop an Expression of Interest by reference to the document of the same name a copy of which is appended to this report. This document drafted by Strutt & Parker, the Council's development advisors, will be issued to respondents to the OJEU notice in addition to those developers already known to the Council to have a land holding on the site. Developers will have until 30th July 2004, some eleven weeks after the publication of the notice to submit their proposals.
- 1.6 Following consideration of the initial Expressions of Interest prospective partners will then be shortlisted to submit detailed proposals, stage two of the bid process.
- 1.7 The Development Brief produced by Strutt & Parker provides the shortlisted prospective partners with appropriate guidance on this further submission. Given that the Development Brief is only to be issued to the shortlisted candidates it is appended under Part II of the meetings agenda to ensure that no one party gains an unfair competitive advantage over others on the shortlist. The Development Brief sets out:
 - Goals.
 - Requirements.
 - Obstacles to be overcome.
 - Provides guidance on the form and content of the development.
 - Basis of evaluation.
 - It sits on top of and respects the requirements of the planning guidance.
 - Site boundaries.
 - Identifies ownership's within the site boundary.
 - Guidance on the financial implications.

1.8 The main development objectives are stated as:

- A mixed use scheme which links and integrates successfully into the town.
- 25,000 sq m (270,000 sq ft) of retail floor space including an anchor store, major shop units (MSUs) and a mix of retail units.
- The retail space should complement the town centre and should not have an adverse impact on it's vitality and viability.
- High quality two to five storey buildings.
- The layout of the buildings should provide good passive security.
- The scheme should be primarily focussed towards pedestrians with vehicular access limited to servicing only.
- The existing surface parking to be replaced with unobtrusive multi-storey parking on upper levels.
- Enable the permanent removal of vehicular traffic from Northbrook Street and Bartholomew Street between 10.00am and 6.00pm.
- The development should indicate how new bus stop infrastructure, shop mobility and taxi ranks could be provided in Park Way.
- Residential development on the upper parts.
- Provision of public toilets and community style uses, including a crèche.
- Integration with Victoria Park to enhance the use of this important public open space.

1.9 The prospective partners will be evaluated on the following basis:

- Track record, development experience and credibility.
- Financial status of the prospective partner.
- The development concept and its compatibility with the planning guidance.
- Energy efficiency.
- Financial offer to the Council.
- Details of how the project is to be managed during the development phase.
- The proposed mix of retailers.
- The consultant team.

1.10 The Park Way Development is a key element of the Newbury 2025 Vision. The selection of a development partner is key to bringing this project to fruition.

Appendices

Appendix 13(a) - Expressions of Interest

Appendix 13(b) - Development Brief

(Please note that both these appendices are Part II and should be treated accordingly)

(Paragraph 9 – terms proposed in negotiations)

Consultation Responses

Local Stakeholders:	Thames Valley Energy – The Development Brief has been amended to reflect discussions at previous Task Group meetings on the issue of renewable energy.
Officers Consulted:	Newbury Town Centre Programme Group
Trade Union:	Not applicable