

EAST RENFREWSHIRE COUNCILCabinet30 August 2018Report by Director of EnvironmentNON-DENOMINATIONAL PRIMARY SCHOOL AT MAIDENHILL NEWTON MEARNS**PURPOSE OF REPORT**

1. To update the Cabinet with regard to site progress at the new build Non-denominational Primary School and Nursery at Maidenhill, Newton Mearns and to advise of action taken in relation to contract standing orders.

**RECOMMENDATIONS**

2. The Cabinet is asked to note:
- (a) the current position on costs and funding; and
  - (b) the action taken in respect of Standing Orders relating to contracts Clause 14.

**BACKGROUND**

3. £15.3m was allocated to the Maidenhill Primary School project approved by Council in 28 June 2017.
4. The Council agreed a Section 75 agreement (14 July 2017) with the site owners and Cala/Taylor Wimpey for the development of the Maidenhill area for housing.
5. As part of that agreement, 5.54 acres of land was transferred to East Renfrewshire Council for the purposes of constructing a new Primary School and Nursery to cater for the increased educational demand due to housing expansion.
6. The site transfer was completed on 16 April 2018 and construction of the new school commenced 7 May 2018.

**REPORT**

7. As part of the S75 agreement the developers of the housing site were to deposit 5600m<sup>3</sup> of topsoil on the school site for construction and landscaping purposes, thus saving the Council the costs for importing soil from off site.
8. At the first site meeting on 28 June 2018 the Council contractor for the new school (BAM construction) reported the following with regard to topsoil deposits:
- Although 5600m<sup>3</sup> was requested approximately 6400m<sup>3</sup> was delivered
  - The topsoil delivered failed analytical tests and was declared unsuitable as topsoil

9. The new build school contractor (BAM Construction Ltd) has managed to use a substantial proportion of this material as sub soil rather than topsoil to mitigate the need and costs of transporting this material off site.

10. Cala/Taylor Wimpey have agreed to take back 1750m<sup>3</sup> to their development site. The Council will now need to import certified topsoil at additional cost over and above the agreed contract sum.

11. The anticipated cost of removal and replacement of this topsoil material is predicted to be in the region of £67k.

12. Although this sum can be contained within the Contract contingency fund the sum of this variation exceeds the threshold stated within the 'Standing Orders Relating to Contracts' which states:

- *Variations over £50,000 must be reported to Cabinet for approval prior to the variation being instructed. If the variation is urgently required, approval may be given by two members of Cabinet. The variation should be reported to Cabinet as soon as practicable after such approval*

13. Due to the urgent need for approval of this variation (to maintain the contract programme) approval was sought and given by two members of Cabinet: Cllr O'Kane & Cllr Buchanan subject to this retrospective report being submitted.

14. Council Officers are progressing with a claim against the developers (under the S75 Agreement) which states that they (the developers) should provide 'a quantum of top soil on site' which would recover the costs noted under Item 11 of this report. One option available to the Council would have been to suspend the work until this claim has been resolved. However this would have resulted in the school not being open within the required timescales. Therefore this was not felt to be a viable action.

## **FINANCE AND EFFICIENCY**

15. Although this sum can currently be contained within the Contract contingency fund the sum of this variation exceeds the threshold stated within the 'Standing Orders Relating to Contracts' and therefore requires Cabinet approval.

## **CONSULTATION AND PARTNERSHIP WORKING**

16. Full consultation in relation to this report has taken place between officers within Environment Department.

## **IMPLICATIONS OF THE PROPOSALS**

17. There are no IT, sustainability, staffing or other implications associated with this report.

## **CONCLUSIONS**

18. Council officers and the design/construction team are working to mitigate the potential costs of this exercise.

19. The urgency of the works are predicated by the need to maintain the construction programme and the need to ensure that the school remains on programme for opening at the start of the new school term in August 2019.

## RECOMMENDATIONS

20. The Cabinet is asked to note:

- (a) the current position on costs and funding; and
- (b) the action taken in respect of Standing Orders relating to contracts Clause 14.

Director of Environment

Further information can be obtained from Phil Daws, Head of Environment (Strategic Services) on 0141 577 3186 or [phil.daws@Eastrenfrewshire.gov.uk](mailto:phil.daws@Eastrenfrewshire.gov.uk)

Convener contact details

Councillor Tony Buchanan  
(Leader of the Council)

Office: 0141 577 3107  
Mobile: 07976 360398

August 2018

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