

Report template for DLT

Meeting	Tick if Applicable	Date Scheduled
DLT	x	21 st November 2022
CLT		
Leadership		
Executive Panel		

Item Name: **Victoria Embankment Paddling Pool & Park Improvement Projects**
Corporate Director and Lead Officer: **Frank Jordan, Corporate Director Resident Services**

Eddie Curry, Head of Public Realm

Lead Portfolio Holder: **Cllr Audra Wynter, Portfolio Holder for Highways, Transport and Parks**

Required Length of Time for Discussion: 15 minutes

1. Purpose:

This report provides details regarding the phase one and phase two Victoria Embankment paddling pool improvement projects and proposals to carry out improvements at Queens Walk recreation ground play area, the delivery of the Bulwell Forest Covid Tree Memorial project and the final contribution towards Victoria Embankment Memorial Garden Restoration Project. The report also provides details of the funding for all the projects and provides details of a proposal to support the phase two paddling pool project with a bid to the National Lottery Heritage Fund (NLHF).

2. Recommendations:

Approval:-

- Of Proposals to allocate to the project the agreed/committed S106 Open Space contributions as detailed in Appendix 1.
- Of the project proposals as detailed in section 4 and approve the Parks Levelling Up Fund contributions to the projects as detailed in section 4.1 Table 1 and 3.
- To delegate the authority to the director of neighbourhood services to start the procurement of design and to procure a design and build Paddling Pool contractor and to enter into contracts relating to the projects .
- To note the submissions of a bid to NLHF to deliver the phase two paddling pool proposals see details in appendix 1 section 4.2 table 2.

3. Governance Interdependencies

The new 25year Green Space Strategy - Greener, Healthier , Happier is now in it's final phase of production. The strategy will provide a strategic action plan to help guide the improvement of environmental practices and will seek to contribute to other city priorities such as mitigating climate change, increasing biodiversity, creating nature-rich active travel corridors, it will help drive up the quality of our green spaces and it will improve the health and wellbeing of our residents.

As part of the strategy prioritised ward based green spaces investment plans have been produced. The projects detailed within this report have all been identified as strategic green space ward based priorities. The paddling pool has for many years been in need of investment and in recent years the facility has had to be closed due to failure in the pumping system and pool infrastructure. The public response clearly identified support / demand for its improvement and reopening.

During the summer months the value of an outdoor water based facility has been clearly demonstrated particularly during the long periods of dry and extreme hot weather. This has also been exaggerated by the cost of living crises as many families have stayed at home during the summer holidays and many would have visited the paddling pool if it was not closed. Such a facility is likely to draw people from a wider area than just the Meadows and instead from across Nottingham given that there are no other similar facilities in the city. Local consultation was carried out during the summer and has now concluded. The consultation has confirmed overwhelming support for a replacement paddling pool facility. This evidence of need has been used to help secure additional funding from the Levelling Up Parks fund. This additional funding has all been confirmed and will be matched against the S106 Funds which in turn will maximise the return on the S106 investments.

The key consideration to be agreed within the report is the allocations of the existing agreed/committed Open Space S106 allocations. These allocations as detailed in appendix 1 have been generated from a mixture of different schemes from across Nottingham and include a number of Purpose Built Student Accommodation (PBSA) that has been constructed within the city. Of the three agreements listed in appendix 1, two are not specific in where the funding can be used with the agreements requiring the Council "To use the Open Space Contribution towards the provision or enhancement of Open Space in the City of Nottingham". The third agreement (relating to permission 18/00819/PFUL3) specifically requires the relevant open space contribution to be used towards the provision and/or enhancement of facilities at the Queens Walk recreation ground and Victoria Embankment. The key consideration relates to how these allocations are committed to local ward based priorities hence the constitution requires consultation with the relevant Ward Councillors before seeking approval from the relevant Portfolio Holder.

4. Proposal:

4.1 Paddling Pool Improvement project Phase One (See Table 1)

Following the paddling pool public consultation that took place during the summer 2022. The response confirmed an overwhelming level of support to regenerate the paddling pool facility. The consultation engaged with 2125 people in total and there is a positive response to a new water play facility although a number of people are keen to keep the existing pool. In terms of what sort of water play people want to see, it is very mixed and an option which includes traditional paddling pool elements, splash park elements and also interactive water play elements (which can perhaps be opened all year round) would meet the needs of everyone. There is also requests for toilets, changing facilities and refreshments. Elements from all these suggestions are now being incorporated into the revised scope for the project.

The revised phase 1 paddling pool project will include:-

A fully DDA compliant paddling pool and splash pad & new pumping system. Table 1 provides details of the project costs.

Table 1		
Item No	Item	Capital Cost Estimate
1	Water Park Option to be confirmed inc Inflation at 10%	£500k
2	Contingency	£20k
3	Design and Project management	£18,500k
Total current capital costs for the Paddling Pool		£543,971.18
Project Funding		Funding status
S106 including all confirmed Open Space Contributions to the Paddling Pool Project see Appendix 1		Confirmed
Parks Levelling Up Funds Capital Contribution		Confirmed
Parks Levelling Up Funds Project Development Contribution.		Confirmed
Current Total Capital Funding		£543,971.18

4.2 Paddling Pool Improvement project Phase two

The addition of toilets and changing facility and children's water play facilities has been identified as a key priority within the consultation. These proposals have been identified as a second phase of works. It is proposed that a bid be submitted to the NLHF to help fund these works. The NLHF bid will be used to both deliver the enhanced infrastructure facilities and it will include a five year summer activation programme. The programme will help support families and help attract a wider audience of visitors to the facility. The bid to the NLHF is currently being produced and it is hoped that the bid will be submitted as soon as possible and hopefully will be approved within ten weeks of submitting. A further decision will be produced regarding the phase two project once the NLHF bid has been confirmed. Table 2 provides details of the potential NLHF bid.

Table 2			
Additional Funding from the National Lottery Heritage Lottery Fund (NLHF) to be confirmed.			
Additional works will include			
Item No	Item	Capital £	Revenue £
1	Increase in the Paddling Pool design	£110,000	
2	Modula Toilets	£70,000	
3	Project Management	£10,000	
4	5 Year activation programme		£50,000
5	Project Evaluation		£10,000
Total Costs		£190,000	£60,000
Additional Project Funding		Funding Status	
National Lottery Heritage Lottery Fund (NLHF)*		To be Confirmed	
Notes* The NLHF bid is still to be submitted and therefore not included in this decision and will be brought forward as a separate decision once the bid has been awarded.		190,000	£60,000

4.3 Park Improvements (See Table 3)

Table 3 provides details of the contributions towards the completion of the Victoria Embankment Restoration project, Play area improvements at Queens Walk Recreation Ground and also the delivery of the Bulwell Forest Covid Memorial Tree Planting project. These project have been identified as they are all linked to both the S106 contributions and Parks Levelling Up Funds. The projects are all identified as ward based green space priorities or linked and named within the planning agreements or linked to existing capital projects that are currently in progress. Table 3 provides details of the projects and their funding.

Table 3: Additional Park Improvements		
Item No	Item	Capital £
1	Final contribution towards the Victoria Embankment Memorial Gardens NLHF restoration project. This funding allocation is already included in the project and is required to complete the projects funding.	£30,000
2	The Queens walk play area contribution will be used to fund improvement to the sites play area.	£20,000
3	The Bulwell Forest Covid Memorial Tree Planting project was designed during the pandemic and has remained a ward based priority project. The project includes the planting of a ring of mature Oak Tree and a memorial bench.	£19,000
Total Capital Costs		£69,000
Project Funding		Funding Status
S106 including all confirmed Open Space Contributions to the Embankment Memorial Gardens Project and Queens Walk Recreation Ground Play Area see Appendix 1		Allocated but to be approved in this report
Parks Levelling Up Funds Project Development Contribution. Tree Funding – Bulwell Forest Covid Memorial Tree Planting		Confirmed
Total Project Funding		£69,000

5. Financial Implications:

The project is designed to maximise the availability of external grant funds and currently unallocated S106 funding therefore there will be no call to earmark funding for this scheme from the Capital Prioritisation Programme for 2023/24. Therefore, this scheme will be removed from the Capital Prioritisation Process for 2023/24.

On the assumption that the prioritisation submission is successful and the external grant funding is secured, any ongoing revenue costs of the paddling pool would need to be contained within existing budgets.

The £69k as detailed in **Table 3** is fund from secured S106 and external grants requiring no match from the City Council.

As these projects don't generate any exempt output tax this project does not adversely affect the Council's Partial Exemption position.

As this decision requirement additions and amendments to the current Capital Programme it will require endorsement by the Capital Board prior to the Council contractually committing.

Advice provided by Tom Straw – Senior Accountant (Capital Programmes), 15th November 2022.

The S106 funding outlined in detail at Appendix 1 has been received and is available for commitment to the specified projects. Once final approval is granted, capital project codes will be set up, and the S106 funding formally committed to fund these.

In all three cases, every effort should be made to ensure that funds have been committed within five years of the date of receipt of each contribution. At any time after the fifth anniversary, the Owner may request confirmation of any balances not expended or committed and repayment of any such balance.

Advice provided by Sarah Baker – Senior Commercial Business Partner (Strategic Assets & Property), 7th November 2022.

6. Legal and Procurement Comments (if applicable)

At this stage there are no specific procurement comments as the route(s) to appoint consultants/contractors to deliver the scheme are yet to be determined. All appointments must be made in accordance with applicable provisions of NCC Contract Procedure Rules, the Public Contracts Regulations 2015, and any other obligations such as those arising from grant funding conditions; and as the scheme develops the Procurement Team should be consulted to ensure compliance.

Advice provided by Jonathan Whitmarsh, Lead Procurement Officer, 10th November 2022.

The service will need to ensure that they comply with any conditions that may be imposed on funding where all the funding secured compliance with such conditions is required to mitigate, as far as possible, the risk of funds being clawed back by the funder. Any procurement process must comply with the Council's constitution and other relevant legal requirements, including the Public Contract Regulations 2016.

Legal Services will support the procurement process in the drafting of a proposed contract once funding, and any conditions imposed, are clear.

Advice provided by Tony Heath, Senior Solicitor, 7th November

Delegation 82(a) of Governance Framework Document G delegates power to the Portfolio Holder responsible for Neighbourhoods, Corporate Director for Resident Services, Director of Community Protection and Head of Community Partnerships to make decisions at ward level in line with the standard financial thresholds for delegations. Delegation 82(a)(3)(c) states that "detailed proposals for landscaping, open space provisions, park equipment provision, ...funded by obligations under section 106 of the Town and Country Planning Act 1990 unless there is a specific detailed allocation provided for by the terms of the agreement itself" and that such decisions "are only to be taken following consultation with the relevant Ward Councillors".

Of the three s106 agreements identified in appendix 1 only that relating to planning permission 18/00819/PFUL3 is specific about where in the City the Open Space financial contribution is to be spent. That agreement however does specifically require the Open Space contribution to be spent on the provision or enhancement of facilities at both Queens Park recreation ground and Victoria Embankment so the proposed allocation is consistent with the terms of that agreement. The other two agreements allow for the relevant open space contributions to be spent anywhere in the City so long as they are put towards the provision or enhancement of Open Space. The repair/replacement of the paddling pool at Victoria Embankment would appear to be such an enhancement and within the terms of the remaining agreements.

All three agreements contain provisions requiring the open space contributions to be repaid to the developer if they have not been spent within 5 years of receipt by the Council. It is understood that the relevant contributions were received between December 2020 and October 2022 so it appears that there is still a reasonable amount of time left for these sums to be committed before repayment would potentially be triggered.

Advice provided by Ann Barrett Team Leader, Legal Services 3rd November 2022

7. Risk management considerations:

At this point in the projects conception the risks remain focused on the projects financial deliverability and the potential risk of raising expectation regarding the anticipated project delivery. Interest in the paddling pool has generated a considerable amount of public interest in the form of an online petition that has already had over 3000 signatures. Given the high numbers of people who have raised concerns about the restoration of the facility there is also a risk that non delivery will create reputational damage for the council.

8. HR and EDI Considerations:

An EDI has not been completed as the proposal is at an early stage of development. However early considerations are already being considered regarding the potential design of the new facility, how it can be fully accessible to all children, including those with disabilities and how the facility can be used to maximise the opportunity enhance the learning experience. A full EDI will be completed when the funding and proposal reaches the next formal decision stage.

9. Carbon Reduction and Sustainability Considerations

Creating a new facility within the city will help to reduce carbon emissions as it will encourage families to stay local and reduce their need to travel out of town and even within the city as the park can be accessed by public transport.

10. Input from other internal departments

Planning Comments

Set out in Appendix 1 sets out two sources of possible S106 open space monies. Table 1 shows S106 contributions that have been received but not committed to any specific project and which wards this money originates from.

In accordance with requirements S106 contribution must be related to development and arise from a need created by that development. However recent S106 agreements related to Open Space are very general on where this money can be sent as state "To use the Open Space Contribution towards the provision or enhancement of Open Space in the City of Nottingham". Victoria Embankment is a "destination" open space and the enhance

water facility will be unique in its draw, so an argument could be made that it is for wider benefit of the city.

Subject to approval set out above, there is in principle sufficient S106 open space funding that can be made available from various Open Space receipts, some of which have been received and some of which are expected over the coming months. It is worth noting however that a good balance between the various calls on open space will need to be made.

Advice provided by Mathew Grant Principal Policy Planner 7th November 2022

Major Projects Comments

Major projects are aware of this project and would have the capacity and skills to provide project management services for both the development and delivery stage of this project.

They have extensive knowledge of the area and its stakeholders and have a long standing working relationship with the client team.

Advice Provided by Helen Wallace – Senior Project Manager 7th November 2022

11. Next Steps

- Agreement reached that S106 monies for the Paddling Pool, Victoria Embankment Memorial Gardens Restoration Project, Queens Walk Recreation Ground Play Area Project can be used from various schemes.
- Confirmed funding from the external grants that have been secured.
- Seek confirmation from the capital board to implement the projects.
- Procure a design and build contractor and enter into contracts relating to the projects

Appendix 1: S106 Funding

Planning Ref	Site / Purpose	£ Available / Received Date	Allocating to the Victoria Embankment Paddling Pool	Allocating to Other Projects
21/01294/PFUL3	135-137 Parliament Street Purpose Built Student Accommodation (City Centre Regeneration Area) "To use the Open Space Contribution towards the provision and/or enhancement of open space in Nottingham City."	£401,642.81 14/10/22	£401,642.81	-
13/01346/PFUL3	Site of former The Kings School, 51 Green Street "To use the Open Space Contribution towards the provision and / or enhancement of open space in the City of Nottingham."	£22,665.43 18/12/20	£22,665.43	-
18/00819/PFUL3	The Vantage (Former Plumb Centre), Waterway Street West, Nottingham, NG2 1NL "To use the Open Space Contribution towards the provision and/or enhancement of facilities at the Queen's Walk recreation ground and the Victoria Embankment within the City of Nottingham."	£103,662.94 03/09/21	£53,662.94	£30,000.00 Victoria Embankment Memorial Gardens Restoration Project £20,000.00 Queens Walk Recreation Ground Play Area
Totals		£527,971.18	£477,971.18	£50,000.00