

WAVERLEY BOROUGH COUNCIL

EXECUTIVE - 01 MARCH 2016

Title:

FRENSHAM GREAT POND & COMMON SITE AMENITIES UPGRADE PROJECT

**[Portfolio Holder: Cllr Simon Thornton]
[Wards Affected: Frensham, Dockenfield and Tilford]**

Note pursuant to Section 100B(5) of the Local Government Act 1972

An annexe to this report contains exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972, namely:-

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Summary and purpose:

The purpose of this report is to provide the Executive with an update on progress in delivering the Frensham Great Pond and Common amenities upgrade project and to seek various approvals to progress the project further.

How this report relates to the Council's Corporate Priorities:

Customer Service

Through a proposed revision to car park management on site, there will be improved customer service delivery from the Council's ranger team, who will be able to spend more time managing the site and the visitors rather than taking car parking income.

Environment

The project supports the Environment, by protecting the Frensham Common and Pond SSSI through the careful planning and designing of the scheme and ensuring this development is sensitive to the planning constraints of the local area. The proposed area for the new building and reconfigured carpark is just outside the SSSI area. The building will aspire to be as close to zero carbon as possible, with the use of sustainable materials throughout as well as minimum energy requirement during its operation. When the existing facility is demolished this area will be returned to heathland common and will increase the area of SSSI, through a carefully managed restoration plan.

Value for Money

The project will seek Value for Money, by ensuring that local development in Waverley contributes towards the capital cost of this scheme through PIC and CIL payments. Further funding will be sought through seeking out external grant funds where applicable to reduce the capital outlay of the Council. The proposed project is

anticipated to provide financial savings to the Council through a reduction in the facility running costs. The current facility requires extensive refurbishment in order to maintain it and keep it safe, however it would still fall a long way short of delivering the improvements we will gain from the proposed new development.

Financial Implications:

A provisional capital budget of £800,000 has been agreed for the redevelopment of the facilities at Frensham Great Pond. The project will be an invest to save project with expectations of reduced running costs, improved efficiencies and income received, generating an anticipated annual saving of £38,000.

It is estimated that a return on investment of 4.2% per annum will be achievable and the project should pay back within 23 years, a business plan detailing the expected costs and income has been drafted.

If the current facility was completely refurbished and extended to its largest possible extent (subject to planning rules) and kept on the same site, the capital costs (including reconfigured carpark but excluding a new play area) would be approximately £515,000, however this refurbishment would not provide the significant benefits of the proposed scheme and offer little in the way of increased accommodation and café space.

The application for commons consent and planning permission will incur small costs and have internal staffing resource implications. However the current approved budget in 2015/16 of £77,320 will be sufficient to cover the costs arising.

It is anticipated that external funding either from grant funds or local development gain such as Planning Infrastructure Charge (PIC) or the forthcoming Community Infrastructure Levy (CIL) will be secured for the project, to both reduce the Councils overall capital investment and provide supplemental budgets.

Legal Implications:

This site is held by the Council on a long lease from the National Trust that will expire in 2070. The terms of this lease are somewhat restrictive, so variations will need to be agreed with the National Trust as landlord. Heads of Terms have been submitted to the National Trust for their approval. None of the proposed lease variations will increase the Council's liabilities at the site, but merely permit the development and the formalisation of a Management Plan to govern the practical day to day management of the site.

A full review of the Council's title to the site has been undertaken and no significant encumbrances have been found. However, this site is located on common land and an appointment of a consultant will be required to assist the Council in obtaining Commons Consent for the project.

A review of the current café lease has been undertaken and the risks and liabilities of terminating the tenancy have been identified and costed into the programme. It is anticipated that a lease variation allowing subletting of the new commercial café on

the site will be agreed together with more flexible terms to allow the hiring out of the educational facility. An excluded commercial tenancy will be granted of the new café to allow greater management and control of this business.

Introduction

1. The Frensham Great Pond and Common site is a 'Jewel in the Crown' site for the Council providing fantastic visitor attractions of, a large 26 ha freshwater pond, two beach areas and approximately 400 ha of heathland and common land with high national designations of; Site of Specific Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC), Local Nature Reserve (LNR). The whole site rests within the Surrey Hills Area of Outstanding Natural Beauty (AONB).
2. However, the current site facilities (Annexe 1) at Frensham Great Pond and Common are lacking, ageing and are no longer fit for purpose unable to cope with the current and future demands from visitors to the site. The visitor information area is poor, outdated, infrequently used by the visiting public and presents a poor image of the service.
3. The building was constructed in 1985 (partially rebuilt 1991 following a fire) and is of an old, inefficient construction, containing materials that include; glass fibre, aertex ceiling panels and roof tiles containing asbestos. The constant demand for ongoing repairs, maintenance works resulting from poor water and waste service supply has resulted in regular public toilet closures during busy visiting periods.
4. The carpark configuration is restrictive on numbers and has led to lengthy queues forming along Bacon Lane and the Frensham area. This has led to inconsiderate parking along Bacon Lane, preventing access to the site and beyond for emergency vehicles. The carpark requires carpark fees to be collected via a 'cash in hand' system by seasonal staffing resulting in less site management being undertaken. The current charging scheme only operates at weekends and bank holidays from April to September.
5. The current café facility is very small and is only able to serve a very small range of food and drink to the public. Presently there is no indoor seating and the outdoor seating area is extremely limited. The result is a restricted income for the lessee and a reduced rental income for the Council. The facilities poorly provide for our ranger service in terms of storage, suitability and accommodation.

The New Facility Proposal

6. The proposal is to relocate the facility on site (Annexe 2) and build a modern, more sustainable and energy efficient building offering; public toilets, ranger office, educational/multifunction room, an interactive visitor information area and a café facility creating a welcoming and enhanced visitor experience. Annexe 3 shows the proposed facility.

7. One of the major attractions on site will be an improved café offering a wider variety of food and drinks, local produce, healthy options and internal and external seating areas. Linked to the café will be the provision of a significantly improved public conveniences, where the management and maintenance of the facility will be included in the café lease, providing a financial saving to the Council.
8. The new building will aspire to be an exemplar in terms of sustainability, as close to zero carbon as possible. The building fabric and the orientation of the new site will be designed for optimum energy efficiency. The use of sustainable materials will be a key element of the build and will also incorporate renewable technologies, making the facility less costly to run longer term. Water conservation and efficiency are also key to the design of the building.
9. A new play area is to be constructed to provide an extra facility for visiting families and attract more year round visits to improve the viability of the café throughout the year and provide a focal point for visitors without impacting the SSSI.
10. In order to serve the facility better, a re-configured car park will be required that increases capacity and implements a revised charging and management scheme freeing up staff to deliver other work priorities on site. A revised car parking scheme should also resolve some of the anti-social parking issues that the site has experienced and also reduce local congestion along Bacon Lane.
11. The final phase of the project will be to demolish the old facility and return the ground to heathland and common land through a restoration scheme. Further potential gains or improvements are listed below:
 - Reduced health and safety risks from removed asbestos
 - Improved visitor experience to facility and site
 - Reduced running costs due to; less repairs and maintenance, sustainable energy technologies and reduced resource consumption
 - Improved working environment, accommodation and storage for ranger service.

Major Project Risks

12. Table 1 identifies the five major risks to the project, how they will be mitigated and progress made in doing so. For the project to move forward, Commons consent and National Trust consent are critical to success.

Table 1.

Risk	Mitigation	Progress
Commons Consent	<ul style="list-style-type: none"> • Employ specialist commons consultant • Undertake consultation and paperwork preparation • Seek Counsel opinion • Submit application to PINS 	<ul style="list-style-type: none"> • Footprint Ecology Employed • Risk Assessment undertaken on Commons consent
National Trust (NT) Permission and Lease	<ul style="list-style-type: none"> • Seek consultation discussion over project proposals • Write formally to NT about proposed project • Submit proposals for a revised lease or heads of terms for new lease to NT 	<ul style="list-style-type: none"> • Discussions held with NT • Drafting of formal letter to NT regarding project intention and to request land owner permission underway
Planning Permission	<ul style="list-style-type: none"> • Employ Architect Consultant • Submit pre planning advice application • Submit planning application 	<ul style="list-style-type: none"> • Architect consultant employed • Pre planning advice gained (very favourable) • Risk assessment undertaken on Habitat regs screening
Natural England Permission	<ul style="list-style-type: none"> • Consult with Natural England over impacts on SSSI • Submit Planning application 	<ul style="list-style-type: none"> • Initial discussions held, project has been viewed favourably
Project Funding	<ul style="list-style-type: none"> • Seek external grant funds • Identify local development contributions 	<ul style="list-style-type: none"> • Investigating available external grants • First planning application identified

Outline Project Plan

13. Annexe 4 sets out the outline project plan and timescale for delivery. It is expected that the new facility will be open around April 2018 in time for the summer season, due to the length of time required with the processes involved to get common land consent. The building and carpark tender process could be brought forward to reduce the overall project delivery time, however this would be a risk for the Council to take, should Common Land consent not be given.

Common Land Consent

14. It is vital that the Council seeks to undertake a well thought through and planned approach to gaining Common Land consent, in order to fully

understand the processes and risks involved. In order to facilitate this, officers have sought expert help from a common land specialist, the Council's legal team and will be looking to seek Counsel opinion, in order that the best possible advice can be obtained.

15. The processes involved in gaining commons consent are lengthy (Annexe 1), the worst case scenario is that it is likely to be 1 year and 3 months before there is an official answer. Without commons consent the project will not be able to be delivered and will therefore need to be either heavily revised or cancelled. It is proposed that a common land consent application be submitted to the Planning Inspectorate (PINS) in September 2016 following the undertaking of a common land consultation with interested parties.

National Trust Permission and Lease

16. The land and pond at Frensham is held by WBC on a long lease from the National Trust for a term of 73 years from 1 October 1997 at a peppercorn rent. This lease contains various clauses which govern and restrict WBC's use of the Frensham Pond site. For example, WBC is not permitted to erect any buildings on the demised premises or develop it in any way (without consent from the National Trust); is not permitted to sublet any part of the site; and is not to make any further parking places in addition to those already provided without prior consent from the National Trust.
17. The National Trust has recently been presented with the proposals for the new facility at Frensham Pond and consulted with a view to granting the necessary consents and also varying or deleting certain restrictive clauses so as to ensure that WBC will be compliant with its lease obligations going forward. The National Trust has requested in writing, a full proposal of the amendments being proposed and this is currently being progressed.

Planning Permission

18. Pre-application advice has been sought for the project proposal to:
 - Demolish the existing visitor centre and restore site to heathland
 - Erection of a new visitor centre
 - Extension to and reconfiguration of car parking area
 - Provision of a new play area.
19. A positive response to the proposals has been received and planning officers are likely to support the proposal, when an application is submitted. It is the intention to submit a planning application at the same time as submitting the common land consent application.

Existing Kiosk Lease

20. The (Exempt) Annexe to this report sets out the situation with regard to the existing kiosk lease.

Carpark Management

21. A key element of the scheme is how the carpark will be managed with regard to the charging scheme, payment collection and enforcement. Depending on the solution(s) chosen, there could potentially be an impact on the business plan payback from the management/maintenance costs associated.
22. Presently, the carpark charge is £4 per day, charged at weekends and bank holidays, 1 April – 30 September. It is anticipated that this charging scheme be revised and that a charge is implemented all year round, every day. There is potential to consider a range of charges dependent on the time spent on site during the day. In addition to this, consideration should perhaps be given to a concession scheme to local residents and also the NT members.
23. The main carpark management options are listed below and are not mutually exclusive of each other, so they can be combined:
 - Pay and Display machines using our existing provider NSL or another
 - Entrance/Exit barrier system
 - Number plate recognition
 - Post payment system (no barrier or cash)
 - Mobile phone payment system
 - Contactless payment system (such as applepay and others)
 - No enforcement options (such as the NT presently)
 - Season ticket holder
 - Local concessions for residents and NT members
24. It is intended to undertake a project in due course to fully consider all the car park management options and undertake a cost/benefit analysis of each.

Conclusion

25. The Frensham Great Pond & Common amenities upgrade project aims to provide a significantly improved visitor experience to the site from improved facilities and offer financial savings to the Council long term, whilst still protecting the very special and rare heathland habitat of the common areas.
26. Whilst there is an initial capital outlay required, the project should be viewed as an 'Invest to Save' project, the investment provides a capital payback within at least half the life expectancy of the building. Furthermore, the Council would be required anyway to invest in refurbishment and repair of the existing facility in order to keep it running without realising any significant benefits to its provision of visitor amenity.
27. The project is complicated and has various key stages that require consent being granted in order that it succeeds and can be delivered within the identified timescale. Gaining Common land and National Trust consent is vital to the project's success as is gaining planning permission. It should be noted that in order to assist in the project delivery timeline, an application for planning permission should be submitted during the period of the application

to PINS for Common Land consent, followed by the construction tender process otherwise; there could a nine month delay should a favourable decision be made on the Common land consent application.

Recommendation

It is recommended that

1. a Common Land consultation be undertaken and an application for Common land consent be submitted to the Planning Inspectorate (PINS) in September 2016;
2. a planning application be submitted for the construction of a new facility, carpark reconfiguration, new play area and the demolition of existing building following the application to PINS; and
3. subject to the above being approved and a satisfactory business case, to give delegated authority to undertake a construction tender process to the Director of Finance and Resources and Director of Operations in consultation with the Portfolio Holders for Finance and Community Services.

Background Papers

There are no background papers (as defined by Section 100D (5) of the Local Government Act 1972) relating to this report.

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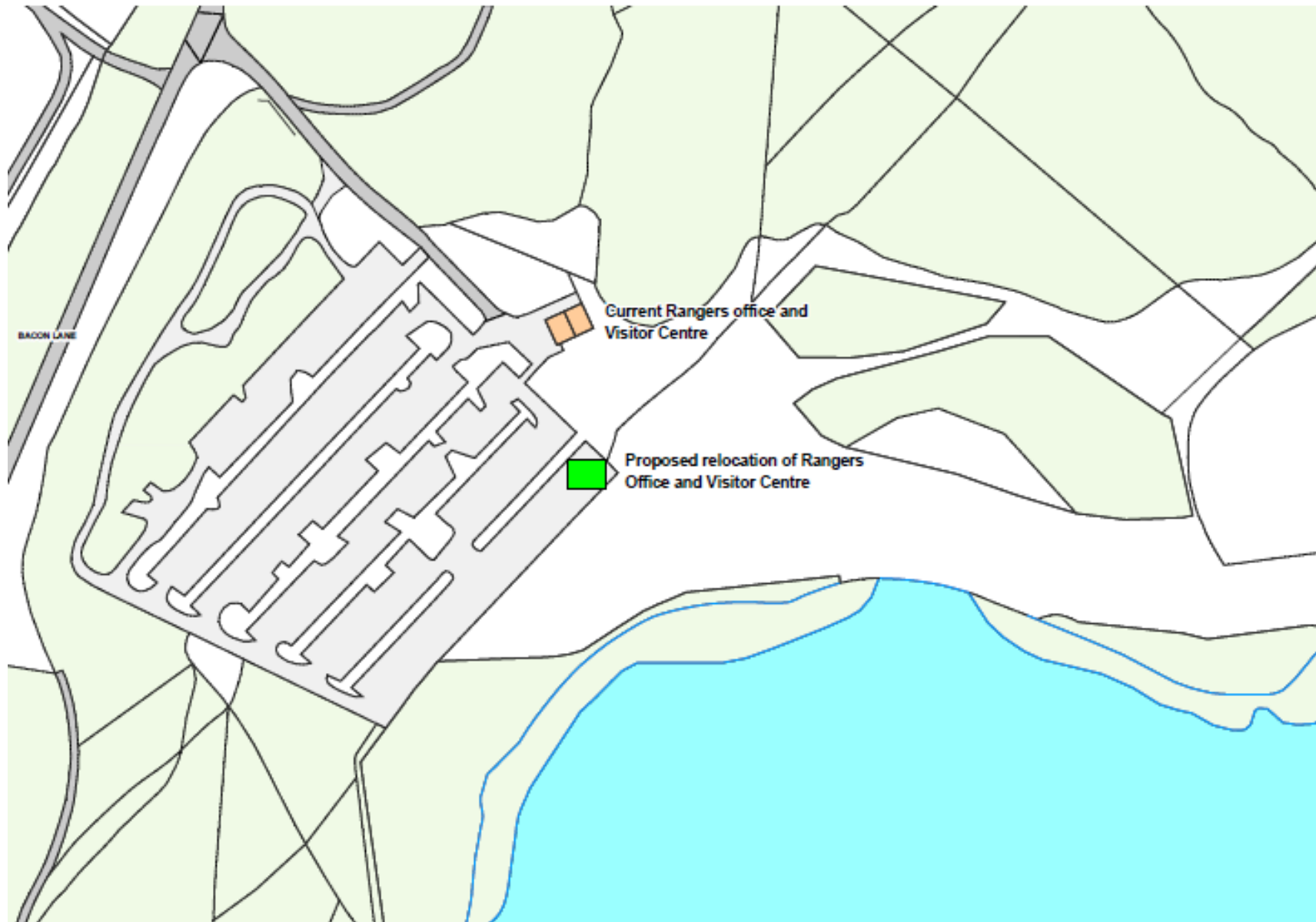
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ANNEXE 1



ANNEXE 2



ANNEXE 3



