

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Cllr Bob Goodman, Cabinet Member for Development & Neighbourhoods Cllr Charles Gerrish, Cabinet Member for Finance & Efficiency	
MEETING/ DECISION DATE:	On or after : 3 rd January 2018	EXECUTIVE FORWARD PLAN REFERENCE:
		E3027
TITLE:	Neighbourhood Environmental Services - approval to release S 106 capital funding for repairs to ponds in Royal Victoria Park	
WARD:	Abbey Ward, Bath	
AN OPEN PUBLIC ITEM		
List of attachments to this report: None		

1.0. THE ISSUE

- 1.1 The ornamental ponds in Royal Victoria Park have been in a poor condition since the water supply to them was cut off by Wessex Water around a decade ago. This has led to poor water quality in the ponds, safety concerns about the presence of toxic blue-green algae and repeated complaints about maintenance standards.
- 1.2 The poor water quality in the bottom (duck) ponds is currently being addressed by the installation of temporary aerators, which creates a maintenance cost from the seasonal installation and removal of the equipment. This cost could be avoided if the ponds are repaired.
- 1.3 The Council proposes to allocate up to £24,336 of S106 funded developer's contributions towards the repair of the ornamental ponds in Royal Victoria Park - thus discharging responsibilities associated with S106 agreement for planning reference 12/00980/FUL. All capital expenditure will be funded using developer contributions (Section106 deposits) ensuring that the work is cost neutral for the authority.

2.0. RECOMMENDATION

That the Cabinet Member for Development & Neighbourhoods and the Cabinet Member for Finance & Efficiency approve:

- 2.1 The allocation of up to £24,336 of S106 funded developer's contributions towards the repair of the ornamental ponds in Royal Victoria Park, discharging responsibilities associated with S106 agreement for planning reference 12/00980/FUL to improve green spaces in the vicinity of the development.

- 2.2 To increase the capital programme to incorporate this wholly funded capital spend. All capital expenditure to be funded using developer contributions (Section106 deposits) ensuring that the work is cost neutral for the authority.

3.0. RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 All work will be funded exclusively from deposits received from S106 agreements associated with development 12/00980/FUL (the former Lime Grove School, Lime Grove, Bath) All work is compatible with the terms of the S106 deed: [that the contribution] 'be paid by the developer towards the provision, enhancement and maintenance of off-site public open space and the provision of play services within the vicinity of the development'
- 3.2 All work will be delivered on B&NES' owned sites and will be cost neutral to the authority. This work will not create any additional revenue costs and will remove the current seasonal maintenance costs of installing and removing temporary aerators.
- 3.3 The specific developer's contribution allocated to this project has been selected based on the proximity of the development to Royal Victoria Park, and by reference to specifications and timetables dictated by the terms of the agreements.
- 3.4 The proposed works will allow the council, as landowner, to maintain its site infrastructure in good order and safe condition.

4.0 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 This work will support the authority to meet its statutory responsibilities, i.e.
- To protect the natural environment under the Natural Environment and Rural Communities Act 2006
 - To ensure that the facilities that it provides in public places are safe, fit for purpose and sufficiently insured to protect the Council's liability.
- 4.2 This work will also be used to reduce longer term maintenance costs and enable the Service to help manage its estate more efficiently.

5.0. THE REPORT

- 5.1. Since the loss of a permanent fresh water supply to the Botanic Garden ponds around a decade ago, the Council has been forced to stop the cascades which formerly ran through the garden and into the duck ponds further downstream in the park. Formerly the cascading water helped to aerate the water supplies in the ponds and helped create an attractive visual amenity.
- 5.2 There are leaks in the cascades at a number of locations in the park and whilst water losses could be tolerated when there was a continuous flow of free fresh water, it is not cost effective for the council to supplement this significant water loss from these leaking cascades with water from the mains supply.
- 5.3 Cutting off the water supply to the bottom duck ponds has led to a significant deterioration in water quality leading to outbreaks of blue-green algae and complaints from the public.

- 5.4 The Parks Service needs to deliver a high maintenance standard in and around the Botanic Gardens pond as the location is a popular wedding venue (and a significant source of income for the service) and officers report negative comments from potential wedding customers about the water quality.
- 5.5 The Parks service has identified the location of leaks and other infrastructure repairs and is seeking to implement a programme of repairs. Phase 1 (February to April 2018) will see the repair of leaks in the upper cascade in the Victoria Park Botanic Gardens and re-planting of the pond with aquatic and marginal water plants, to improve the landscape and improve water quality (February to April 2018).
- 5.6 Phase 2 (summer 2018) will involve repairs to the lower cascade in the Botanic Gardens and the cascade above the duck ponds in the park, and repairs to pipe work, to restore a continuous loop back into the Botanic Gardens cascade.
- 5.7 Phase 3 (summer/autumn 2018) will see the installation of a filter and the restoration of the pump above the duck ponds to restore a filtered water supply to the cascades and to provide for an aerated water supply to the bottom duck ponds – helping to address seasonal outbreaks of blue-green algae.
- 5.8 All phases of this project will be funded from within the £24,336 capital allocation, using developer's contributions from S106 agreement 12/00980/FUL
- 5.9 This project will help deliver the recommendations of the Council's Green Space Strategy with regards to provision and quality of green spaces. It will also contribute to the council objective of creating neighbourhoods where people are proud to live, and deliver two of the seven key objectives of the Core Strategy. All works will deliver improvements to access and infrastructure within, B&NES Parks and Green Spaces.

6.0. RATIONALE

- 6.1 Approval of these proposals will enable the Council to deliver repairs to the asset, to maintain a high standard of maintenance and reduce the risks of poor water quality (such as toxic blue-green algae).
- 6.2 Developer contributions have been made to the Council to invest in green infrastructure within defined locations. This proposal details one of these projects which the contributions will fund and seeks approval to progress.

7.0. OTHER OPTIONS CONSIDERED

- 7.1 To not undertake any improvement works. This would:

- a) Lead to a further deterioration of assets and potentially put us in breach of our obligations
- b) Contribute to the council failing to deliver its responsibilities (under the S106 agreement), to use the developer's contributions to enhance off-site public open space'. Any unspent contributions would need to be repaid to the developer.

8.0. CONSULTATION

- 8.1 Parks have worked extensively with officers in the Council's Property Services team to find a way to address the problems caused by the loss of the fresh water supply to the pond and cascades in the park. Officers have overseen repairs to leaks in the pond itself but have been unable to establish a new freshwater supply and/or repair leaks in the upper and lower cascades.
- 8.2 The Property Services Team agree the proposals in this report and there is considerable support from both local ward councillors for this initiative.
- 8.3 The Council's Monitoring Officer, Section 151 Officer and Strategic Director for Place have had the opportunity to input to this report.

9.0. RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>Paul Pearce 01225 396879</i>
Background papers	The Council's Green Spaces Strategy 2015 – http://www.bathnes.gov.uk/services/sport-leisure-and-parks/parks-green-spaces-information/green-space-strategy-review
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