

To: Paul Osborn (Chairman) Heather Johnson
David Andrews (Vice Chairman) Chris Kennedy
Susan Barker Graham McAndrew
Ross Houston Gordon Nicholson

A meeting of the **EXECUTIVE COMMITTEE** (Quorum – 4) will be held at Myddelton House on:

THURSDAY, 21 SEPTEMBER 2023 AT 10.30

at which the following business will be transacted:

AGENDA

Part I

1 To receive apologies for absence

2 **DECLARATION OF INTERESTS**

Members are asked to consider whether or not they have disclosable pecuniary, other pecuniary or non-pecuniary interests in any item on this Agenda. Other pecuniary and non-pecuniary interests are a matter of judgement for each Member. (Declarations may also be made during the meeting if necessary.)

3 **MINUTES OF LAST MEETING**

To approve the Minutes of the meeting held on 20 July 2023 (copy herewith)

4 **PUBLIC SPEAKING**

To receive any representations from members of the public or representative of an organisation on an issue which is on the agenda of the meeting. Subject to the Chairman's discretion a total of 20 minutes will be allowed for public speaking and the presentation of petitions at each meeting.

5 **Q1 REVENUE BUDGET MONITORING 2023/24** Paper E/816/23

Presented by the Head of Finance

6 **Q1 CAPITAL PROGRAMME BUDGET MONITORING 2023/24** Paper E/817/23

Presented by the Head of Finance

**7 WHARF ROAD, WORMLEY
POTENTIAL LAND EXCHANGES**

Paper E/819/23

Presented by the Deputy Chief Executive

**8 PROPOSED DISPOSAL OF LAND
WEST OF RAMMEY MARSH, ENFIELD**

Paper E/818/23

Presented by the Deputy Chief Executive

9 Such other business as in the opinion of the Chairman of the meeting is of sufficient urgency by reason of special circumstances to warrant consideration.

10 Consider passing a resolution based on the principles of Section 100A(4) of the Local Government Act 1972, excluding the public and press from the meeting for the items of business listed on Part II of the Agenda, on the grounds that they involve the likely disclosure of exempt information as defined in those sections of Part I of Schedule 12A of the Act specified beneath each item. (There are no items currently listed for consideration in Part II.)

13 September 2023

**Shaun Dawson
Chief Executive**

LEE VALLEY REGIONAL PARK AUTHORITY

**EXECUTIVE COMMITTEE
20 JULY 2023**

Members present remotely: Paul Osborn (Chairman) Chris Kennedy
David Andrews (Vice Chairman) Graham McAndrew
Ross Houston Gordon Nicholson
Heather Johnson Sam Kane (Deputy for Susan Barker)

Apologies Received From: Susan Barker

In remote attendance: John Bevan, David Gardner

Officers present remotely: Shaun Dawson - Chief Executive
Beryl Foster - Deputy Chief Executive
Dan Buck - Corporate Director
Jon Carney - Corporate Director
Keith Kellard - Head of Finance
Victoria Yates - Head of Human Resources
Marigold Wilberforce - Head of Property
Sandra Bertschin - Committee & Members' Services Manager

Also remotely present: Kevin Bartle - S151 Officer (London Borough of Enfield)

Part I

250 DECLARATIONS OF INTEREST

There were no declarations of interest.

251 MINUTES OF LAST MEETING

THAT the minutes of the meeting held on 23 March 2023 be approved and signed.

252 PUBLIC SPEAKING

No requests from the public to speak or present petitions had been received for this meeting.

253 SICKNESS ABSENCE MONITORING – 2022/23

Paper E/813/23

The report was introduced by the Head of Human Resources.

Member comments included:

- there was an upward trend in sickness absence;
- request for a breakdown of staff by office and field based to identify any issues in a particular area; and
- were cuts made in previous years having an impact on staff sickness?

In response it was advised:

- following the pandemic if staff have colds they tend to be off sick rather than continue working as they did pre-pandemic, which was a national trend;
- the main reasons for long term sickness were operations, which were delayed due to the pandemic, and injuries; and
- the main reasons for short term sickness were Covid, coughs and colds, headaches, chest infections and migraine.

(1) the contents of the report were noted; and

(2) a 2023/24 sickness absence target of 3 days per Full Time Equivalent (FTE) for short term sickness was approved.

254 RISK REGISTER 2023/24

Paper E/814/23

The report was Introduced by the Corporate Director Including that Improving clarity in the direction of travel was being reviewed.

The Audit Committee Chairman commented that the overall risk score continued to Improve.

Members welcomed clarity on the direction of travel.

(1) the Corporate Risk Register Included at Appendix A to Paper AUD/132/23 attached as Annex A to Paper E/814/23 was noted.

255 EXEMPT ITEMS

THAT based on the principles of Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the items of business below on the grounds that they involve the likely disclosure of exempt information again on the principles as defined in those sections of Part I of Schedule 12A of the Act indicated:

Agenda Item No	Subject	Exempt Information Section Number
9	Proposed Wayleave for 30m 11KV Cable, Land South of Temple Mill Lane, Queen Elizabeth Olympic Park	3

256 PROPOSED WAYLEAVE FOR 30M 11KV CABLE, LAND SOUTH OF TEMPLE MILL LANE, QUEEN ELIZABETH OLYMPIC PARK

Paper E/815/23

The report was introduced by the Deputy Chief Executive.

(1) the granting to London Power Networks of a Wayleave in relation to the site shown by red line on the plan at Appendix A to Paper E/815/23;

(2) the compensation agreed and set out in paragraph 2 of Paper E/815/23 in exchange for the Wayleave; and

- (3) an application be submitted to the Secretary of State for consent and the signing and sealing as appropriate of all necessary legal documentation was approved.**

Chairman

Date

The meeting started at 10.33am and ended at 10.49am

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Q1 REVENUE BUDGET MONITORING 2023/24

Presented by the Head of Finance

EXECUTIVE SUMMARY

This report summarises monitoring of revenue expenditure to July 2023. It compares income and expenditure to the approved budget and includes a projection indicating the likely outturn position against the annual budget for the year ended 31 March 2024.

The budget was set in the context of high energy prices that were expected to rise again in October, and high inflation and cost of living pressures on customers that were anticipated to negatively impact income. A contingency of £600,000 was included within the budget to mitigate these risks.

The year-end position shows a projected net under spend of £294,000 against the net revenue budget deficit of £456,000. The net deficit for the year is forecast as £162,000. The major variations currently projected are summarised in the table below.

Description	Annual Budget	Forecast Outturn	Variance
Interest Payable	828	1,010	182
Interest Receivable	-30	-220	-190
Campsites	-911	-870	41
Marinas	-479	-426	53
Leisure Services Contract	2,274	2,599	325
Minimum Revenue Provision (Ice)	700	575	-125
Other	8,121	8,141	20
Levies	-10,647	-10,647	0
SUB-TOTAL	-144	162	306
Energy and General Contingency	600	0	-600
TOTAL	456	162	-294

RECOMMENDATION

Members Note: (1) the report.

BACKGROUND

- 1 The Executive Committee recommended a budget for 2023/24 at its meeting in January 2023 (Paper E/795/23). Members approved this at the Authority meeting on 19 January 2023 (Paper A/4329/23). This report compares forecast income and expenditure to 31 March 2024 with the budget.
- 2 The summary financial position of each Authority service or facility is shown in Appendix A to this report.
- 3 The net revenue budget was set at a deficit of £456,000. The year-end position is forecast as £162,000 deficit, which is a £294,000 improvement on budget.

GENERAL ECONOMIC FACTORS

4 Inflation

July's inflation for the Retail Price Index (RPI) stood at 9.0% and Consumer Price Index (CPI) at 6.8%. The Bank of England expect inflation to fall to around 5% this year and meet their target rate of 2% by early 2025 (Bank of England Monetary Policy Committee Report August 2023). The Bank of England increased the base rate to 5.25% on 3 August as it continues to try to control inflation.

5 Energy Costs

The Authority purchases energy through the Laser framework that has secured energy prices below market rates and has protected the Authority from the worst of the energy price increases over the last year. The current agreement has fixed prices until September 2023, with new tariffs from October 2023.

The 2023/24 energy budgets were built based on actual energy consumption, energy tariffs secured to September 2023, and Laser's forecast at that time for the new tariff from October 2023.

Consumption across Authority venues is being monitored regularly and is currently in line with last year. The latest forecast from Laser for the October tariff provides a positive outlook, with electricity prices now expected to rise less than previously anticipated, while gas prices are expected to fall. Laser offer best-case, mid-case and worst-case forecasts. Taking the mid-case figures we can expect to see a 10% saving on tariff this year compared to the budget assumption. The worst-case figures would result in a similar position to the budget. A mid-point between mid and worst case figures has been used in this forecast. Overall we forecast a £30,000 saving across energy budgets, spread across the venues.

As part of the shared risk position for utilities at the Leisure Services Contract (LSC) venues, the Authority takes the risk for tariff and Greenwich Leisure Ltd (GLL) takes the risk for utility consumption. This arrangement is due to end after the first two contract years, however both parties are discussing an amendment to the contract to agree the most beneficial risk profile.

The 2023/24 budget includes £1.43 million to cover this tariff risk. To date consumption savings have been achieved across the LSC venues due to the LED investment at Lee Valley VeloPark and good management practices across the venues. Anticipated consumption savings from the further LED

investment projects across other LSC venues, as agreed by Executive in February 2023 (Paper E/802/23), have not yet been factored in until these projects are agreed with timelines for installation. Laser forecasts have been used as a guide to tariffs that GLL will pay from October. Overall we currently forecast a saving of £70,000 against this budget.

6 Pay Award

In February the National Employers made a full and final offer for the 2023/24 pay award of an increase of £1,925 on all National Joint Council (NJC) pay points 1 to 43, an increase of 3.88% on all pay points above 43, and an increase of 3.88% on London Weighting. Unison members voted to reject the offer but following member ballots have decided not to take strike action. Unite have balloted their members with some still to close. GMB will ballot members, however these will not open until September and close in October.

The 2023/24 budget included provision for a 4% pay award. The current offer represents an approximate 5% increase, which equates to £80,000 additional expenditure against the approved budget. This is not yet reflected in the outturn.

MAIN VARIANCES FROM BUDGET

7 The main variances against this year's budget are described below.

FINANCING

8 Interest Receivable (£190,000 additional income) and Interest Payable (£180,000 additional expenditure)

The increased rates of interest have impacted both the income received on investments, and interest payable on loans. The net impact is anticipated to be £10,000 additional income.

9 Minimum Revenue Provision (£125,000 saving against budget)

Under the Prudential Code, we are required to make a statutory provision for repayment of debt, be that external or internal. This is based on a calculation of the Capital Financing Requirement (CFR) as at the prior year balance sheet date.

The redevelopment of the Ice Centre is our one area of external borrowing, and the 2023/24 budget was built on the expectation that we would have borrowed, and thus have an obligation to repay, £28million with the venue coming into operation in February 2023.

Members also agreed (Paper A/4330/23) that £5million of the capital receipt for Mile and Langley Nursery should be used to finance the Ice Centre redevelopment scheme rather than using external borrowing. This would have reduced the Minimum Revenue Provision (MRP) to £575,000 for 2023/24.

However, with the delay to the handover until May 2023, the CFR for the Ice Centre redevelopment based on the balance sheet was £NIL with no statutory requirement for any MRP. Whilst the CFR for the Ice Centre is £0 for 2023/24, we still do have this external borrowing that requires financing. Therefore, we have included the £575,000 as a voluntary contribution to fund capital, and thus reduce the future requirement for external borrowing. Without this voluntary

contribution, repayment of borrowing would be extended by a year, along with the associated interest costs.

SPORT & LEISURE

10 Events (£20,000 reduced Income)

Following events at Three Mills Green in 2021 there was a significant amount of remediation works required to address drainage issues and restore the site fully. Due to the significant expenditure, and the need to let the site settle before it has any further heavy footfall, it has been agreed to not use the site again for large scale events in 2023 to allow for reinstatement, which in turn will impact income levels this year.

PARKLANDS AND OPEN SPACES

11 Countryside Areas (£11,000 additional expenditure)

Meadow cuts sit outside of the main grounds maintenance contract and actual costs for this year have come back higher than anticipated in the budget. This additional expenditure may be mitigated through additional income and other savings by year-end.

SMALL VENUES

12 Marinas (£53,000 overspend)

Across the two marinas, income from moorings is performing well and expected to achieve budget. The chanderies are also forecast to achieve budget. However the rechargeable works area of the business is experiencing a downturn in demand. This is mainly attributed to the cost of living, with customers looking to delay works, carry them out themselves, or use cheaper competitors where available for smaller jobs. This has had a greater impact at Stanstead Marina. This is covered by the contingency included in the budget for income at risk due to cost of living pressures.

We are currently carrying out a review at both marinas, focussing on all operations, but primarily on efficiency around the chandlery and rechargeable business.

Also at Stanstead, the lease for land rented at Rye House for moorings has been completed. The rent to be paid this year is £20,000, which was not included in the budget.

13 Campsites (£41,000 overspend)

Across the campsites bookings for touring and rental accommodation have been good, with occupancy levels slightly ahead of last year. Income is expected to achieve budget. Rents for holiday homes are also expected to achieve budget. Income from new investment projects at Dobbs Weir and Sewardstone (Pods, customer Wi-Fi and Holiday Homes) is not expected to achieve budget targets. We have experienced some delays in delivery, and demand is building more slowly than hoped. Marketing campaigns are being used to push these products and demand is expected to pick up during the year.

Caravan sales are forecast to over achieve budget by £26,000, with sales expected for the five new plots at Dobbs Weir.

LEISURE SERVICES CONTRACT

14 Management Fee

The second year of the LSC commenced on 1 April 2023. The Authority is due to make a management fee payment to GLL this year, then from year three onwards this becomes a payment to the Authority. Adjustments to the management fee and other payments to GLL are explained below.

15 Efficiencies / Increased Income (£125,000 savings not achieved)

The Authority is working with GLL on a number of planned investment projects across the venues. Members approved two projects in January 2023 (Paper E/796/23). The health and fitness redevelopment at Lee Valley Athletics Centre is underway, and the mechanical horse at Lee Valley Riding Centre has been installed and is open for bookings. These projects will generate an additional income which will adjust the management fee by £75,000 this year. Once these two projects have reached full maturity, the annual return will be around £220,000.

Following investment in the LED lighting project at Lee Valley VeloPark, Members approved further spend to save LED investment at Lee Valley Hockey and Tennis Centre, Lee Valley Athletics Centre, Lee Valley Riding Centre and Lee Valley White Water Centre (Paper E/802/23). Authority and GLL officers are working together to agree the project timeline and legals, once in place the projected consumption savings will be fed into the outturn.

Members also approved the new barrier at Lee Valley VeloPark (Paper A/4340/23). This project will not deliver a saving for the Authority, and a loss of income payment to GLL is expected for this work. Authority and GLL officers are working together to agree the project timeline to minimise this loss of income.

16 Utilities (£70,000 reduced expenditure)

As explained earlier in this report we forecast a £70,000 saving against the LSC Utilities budget. However, this still represents a payment of £1.36million in respect of the tariff risk element of total LSC utility costs.

17 Ice Centre (£270,000 additional expenditure)

The new Lee Valley Ice Centre opened to the public in June 2023, later than originally planned. A management fee adjustment of £520,000 has been agreed that reflects the loss of income associated with the delay. This reflects the longer than expected delay assumed at the time of setting the £250,000 budget provision.

Whilst this additional expenditure will be covered by the budget contingency, Financial Regulations require that any virement above £250,000 is approved by Authority, and therefore a separate paper will be brought to Authority in October.

FURTHER ISSUES

18 VAT Claim on Sporting Income

The legal case led by Chelmsford City Council, and supported by the Authority,

regarding treating leisure services as non-business for VAT purposes has been concluded and found in the favour of local authorities and the LVRPA.

Officers submitted a claim to His Majesty's Revenue and Customs (HMRC) in order to reclaim historic overpaid VAT, along with an updated claim to cover the period from April 2020 when the operational venues transferred back to the Authority. HMRC confirmed in August that they have accepted our claim, and subject to final verification checks, the Authority are due to receive this, along with backdated interest imminently.

Due to the significant sums involved, and the fact that we can decide on how to allocate across our revenue and capital budgets, officers will bring a separate report to Members in October 2023.

Going forward this has a beneficial impact for leisure services delivered by the Authority, and we are working with KPMG to confirm the services that fall under this broad definition of leisure services.

ENVIRONMENTAL IMPLICATIONS

- 19 There are no environmental implications arising directly from the recommendations in this report.

FINANCIAL IMPLICATIONS

- 20 These are dealt with in the body of the report.

HUMAN RESOURCE IMPLICATIONS

- 21 There are no human resource implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

- 22 There are no legal implications arising directly from the recommendations in this report.

RISK MANAGEMENT IMPLICATIONS

- 23 There are no risk management implications arising directly from the recommendations in this report.

EQUALITY IMPLICATIONS

- 24 There are no equality implications arising directly from the recommendations in this report.

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PREVIOUS COMMITTEE REPORTS

Executive Committee	E/812/23	Q4 Revenue Budget Monitoring 2022/23	25 May 2023
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Authority	A/4329/23	2023/24 Revenue Budget & Levy	19 January 2023
Executive Committee	E/795/23	2023/24 Revenue Budget & Levy	19 January 2023

APPENDIX ATTACHED

Appendix A Detailed outturn forecast

LIST OF ABBREVIATIONS

LSC	Leisure Services Contract
GLL	Greenwich Leisure Limited
NJC	National Joint Council
CFR	Capital Financing Requirement
MRP	Minimum Revenue Provision

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OPERATIONAL OUTTURN SUMMARY

LEE VALLEY REGIONAL PARK AUTHORITY

YEAR 2023/24

PERIOD: 04 (July 2023)

	Actual To Date			Annual	Proposed	Variance	
	Income	Expenditure	Net	Net Budget	Net Outturn	£000s	%
OPERATIONAL SERVICES							
Chief Executive	0	136	136	609	609	0	0%
Corporate Services	-493	324	-169	-295	-302	-7	(2%)
Business Support Services	-9	736	727	2,487	2,490	3	0%
Sport and Leisure	-226	331	105	988	1,005	17	2%
Parklands and Open Spaces	-436	1,009	573	2,825	2,834	9	0%
Small Venues	-2,033	1,173	-860	-1,253	-1,161	92	7%
Leisure Services Contract	0	0	0	2,274	2,599	325	14%
	-3,197	3,709	512	7,635	8,074	439	6%
FINANCING							
Interest Receivable	-116	0	-116	-30	-220	-190	(633%)
Interest Payable & Bank Charges	0	-58	-58	828	1,010	182	22%
Contributions to/from Earmarked Reserves	0	0	0	940	940	0	0%
Financing of Capital Expenditure	0	0	0	0	575	575	0%
Minimum Revenue Provision (Pre-2007)	0	0	0	430	430	0	0%
Minimum Revenue Provision (Ice Centre)	0	0	0	700	0	-700	(100%)
						0	
Levies on Local Authorities	-3,549	0	-3,549	-10,647	-10,647	0	0%
Income And Energy Contingency	0	0	0	600			
Movement in General Fund				456	162	-294	(64%)

Appendix A to Paper E/816/23

OPERATIONAL OUTTURN SUMMARY

LEE VALLEY REGIONAL PARK AUTHORITY

YEAR 2023/24

PERIOD: 04 (July 2023)

	Actual To Date			Annual	Proposed	Variance	
	Income	Expenditure	Net	Net Budget	Net Outturn	£000s	%
CHEIF EXECUTIVE							
Chief Executive	0	55	55	234	234	0	0%
PR / Communications	0	81	81	375	375	0	0%
TOTAL CHIEF EXECUTIVE	0	136	136	609	609	0	0%
CORPORATE SERVICES							
Legal Service	0	114	114	539	539	0	0%
Property Management	-493	95	-398	-1,406	-1,414	-8	(1%)
Planning and Strategic Partnerships	0	23	23	155	155	0	0%
Asset Protection, Maintenance & Development	0	61	61	292	293	1	0%
Committee Service	0	31	31	125	125	0	0%
TOTAL CORPORATE SERVICES	-493	324	-169	-295	-302	-7	(2%)
BUSINESS SUPPORT SERVICES							
Financial Management	0	114	114	502	509	1	0%
Human Resources Management	0	70	70	217	217	0	0%
Information Technology	-9	226	217	871	870	-1	(0%)
Corporate Insurances	0	217	217	489	489	0	0%
Audit / Health & Safety	0	48	48	206	206	0	0%
Non Distributed Costs	0	16	16	62	62	0	0%
Corporate Training / Apprenticeships	0	18	18	42	42	0	0%
Project & Funding Delivery	0	27	27	98	101	3	3%
TOTAL FINANCIAL SERVICES	-9	736	727	2,487	2,490	3	0%
SPORT AND LEISURE							
Events	-207	105	-102	41	61	20	49%
Sports Development	-2	17	14	89	87	-2	(2%)
Policy and Performance	0	169	169	682	682	0	0%
Learning & Engagement Service	-14	38	25	136	138	2	1%
Community Access	-3	2	-1	40	37	-3	(8%)
TOTAL SPORT AND LEISURE	-226	331	105	988	1,005	17	2%

OPERATIONAL OUTTURN SUMMARY

LEE VALLEY REGIONAL PARK AUTHORITY

YEAR 2023/24

PERIOD: 04 (July 2023)

	Actual To Date			Annual	Proposed	Variance	
	Income	Expenditure	Net	Net Budget	Net Outturn	£000s	%
PARK LANDS AND OPEN SPACES							
Management							
Operational Management	0	71	71	294	294	0	0%
Myddelton House Management	-5	208	203	371	367	-4	(1%)
Parklands							
River Lee Country Park	-3	115	112	356	357	1	0%
Gunpowder Park	0	28	28	89	92	3	3%
Countryside Areas	-74	320	246	1,250	1,261	11	1%
Abbey Gardens	-2	27	25	81	80	-1	(1%)
Three Mills	0	7	7	25	26	1	4%
East India Dock and Bow Creek	0	8	8	27	29	2	7%
Leyton Marsh	0	0	0	0	0	0	0%
Broxbourne Riverside	0	3	3	18	20	2	11%
Fisheries	-31	3	-28	-72	-79	-7	(10%)
Visitor Attractions							
Myddelton House	-75	87	12	178	177	-1	(1%)
Rye House Gatehouse	0	1	0	5	5	0	0%
Park Projects							
Volunteers	0	10	10	46	46	0	0%
Biodiversity Management	0	28	28	118	118	0	0%
Farms							
Lee Valley Farm, Holyfieldhall	-212	86	-126	93	95	2	2%
Initiatives and Partnerships							
King George Reservoir South	-7	7	0	-1	-1	0	0%
Lee Valley Boat Centre	-21	0	-21	-41	-41	0	0%
Broxbourne Chalets	-6	0	-6	-12	-12	0	0%
TOTAL PARKLAND AND OPEN SPACES	-436	1,009	573	2,825	2,834	9	0%
Small Venues							
Lee Valley Marina Springfield	-368	187	-182	-391	-392	-1	(0%)
Lee Valley Marina Stanstead	-278	236	-42	-88	-34	54	61%
Lee Valley Waterworks Centre	0	24	24	84	86	2	2%
Lee Valley Campsite (Sewardstone)	-399	146	-252	-154	-128	26	17%
Lee Valley Caravan Park (Dobbs Weir)	-554	216	-338	-391	-346	45	12%
Lee Valley Leisure Centre Campsite	-326	129	-197	-108	-112	-4	(4%)
Lee Valley Leisure Centre Golf Course	-50	36	-14	53	49	-4	(8%)
Almost Wild Campsite	-32	13	-19	-15	-15	0	0%
Caravan Sales	-26	186	160	-243	-269	-26	(11%)
TOTAL SMALL VENUES	-2,033	1,173	-860	-1,253	-1,161	92	7%

Appendix A to Paper E/816/23

OPERATIONAL OUTTURN SUMMARY

LEE VALLEY REGIONAL PARK AUTHORITY

YEAR 2023/24

PERIOD: 04 (July 2023)

	Actual To Date			Annual Net Budget	Proposed Net Du Run	Variance	
	Income	Expenditure	Net			£000s	%
LEISURE SERVICES CONTRACT							
Management Fee	0	0	0	561	561	0	0%
Efficiencies / Increased Income	0	0	0	-200	-75	125	63%
LSC Support	0	0	0	0	0	0	0%
LSC Venues Direct Costs	0	0	0	233	233	0	0%
LSC Contingency (Utilities)	0	0	0	1,430	1,360	-70	(5%)
LSC Operations (Ice Centre)	0	0	0	250	520	270	108%
TOTAL LSC VENUES AND BUSINESS SUPPORT	0	0	0	2,274	2,589	315	14%
TOTAL OPERATIONAL SERVICES	-3,197	3,709	512	7,635	8,074	439	6%

Q1 CAPITAL PROGRAMME BUDGET MONITORING 2023/24

Presented by Head of Finance

EXECUTIVE SUMMARY

This report summarises capital spending in 2023/24 compared to the current capital programme. .

Appendix A to this report provides a financial summary of current schemes within the capital programme and shows that overall net capital expenditure for the year-end is currently projected to be £7.310 million, which is in line with the profiled approved budget.

RECOMMENDATION

Members Note: (1) the report.

BACKGROUND

- 1 Authority initially approved the capital programme for 2023/24 at its meeting on 19 January 2023 (Paper A/4330/23). Additional approvals for investment at Lee Valley VeloPark (Paper A/4340/23) and LED lighting as Leisure Services Contract (LSC) venues (Paper E/802/23) has updated the programme. This report compares the actual spend with the current programme.
- 2 Where there is a significant variance, resulting in a projected under or over spend for a particular project, a brief explanation for the variance is provided below by the Accountable Officer for that scheme.
- 3 Where slippage is projected and reported, those resources remain earmarked for the particular schemes in question in future years. Where an under spend is reported these savings are added back into capital funds.
- 4 The original annual budget for 2023/24 was £6.837 million net expenditure. However, reprofiling due to prior year slippage, along with the inclusion of other identified schemes, has meant the current capital budget is now £8.470 million. The projected net capital position for the year is £7.310 million, in line with the revised budget.

SPECIFIC SCHEMES

5 The review of major schemes in 2023/24 is detailed below.

6 Lee Valley Ice Centre Redevelopment

The Ice Centre Redevelopment project reached Practical Completion on 11 May 2023 and was immediately handed over to Greenwich Leisure Ltd (GLL) after completion of the Lease and associated Deed of Variation.

The Venue opened to the public on 17 June. There are a number of snagging / defects that were being remedied until Buckingham Group Contracting Limited (BGCL) filed for administration in August due to escalating contract losses (unrelated to the Ice Centre Redevelopment). They were unable to continue trading, and issued a notice of intention to appoint Administrators.

On 4 September 2023, BGCL entered into administration, with Grant Thornton being appointed Administrator. At this point BGCL officially ceased to continue with any contracts that they were involved with. The Administrator is currently in dialogue with a view to novating certain contracts.

Snagging works on site have had to stop but none of the outstanding works are operationally critical and the outstanding works will be completed once it's known what the future of BGCL is.

There were positive commercial discussions between the contractor, BGCL and the Authority and an agreed settlement was ready for finalising just prior to the announcement from BGCL regarding administration.

The Authority remains in a positive commercial position in regards to the project due to the retention monies and sub-contractor warranties in place.

Irrespective of the difficulties that BGCL are experiencing, as the Ice Centre Redevelopment is fundamentally complete, the project remains within budget and in line with its original design.

7 Ice Centre Funding

The redevelopment of the Ice Centre has always been anticipated to be fully funded from external borrowing, with the original strategy one of short-term loans during the construction phase, to be converted to long-term loans on completion. This was subsequently amended to allow greater flexibility with borrowing due to the increase in lending rates.

Officers have continued to adopt the more cash and affordability efficient approach of short-term loans, rather than locking in long-term debt, and have to date borrowed £25million on terms of up to two years.

Due to the current volatility in rates we have continued with this approach as it gives the Authority greater freedom and flexibility to respond should rates drop. Over the last few weeks we have seen Public Works Loans Board (PWL) long term rates at around 5.5%. Our Medium Term Financial Forecast is based on rates being around 4%. The rates in the short-term market are around 5.20%, although our current borrowing is between 4.10% and 4.40%. It would therefore be prudent to wait for when it may be appropriate to take longer-term borrowing.

Having short-term borrowing also allows us to easily apply and repay loans should we benefit from future capital receipts, without charges that would be associated with repaying long-term loans.

The capital receipt we received with regard to the disposal of Mile and Langley Nursery in January 2023 will allow us to pay down £5million of the borrowing need once our current loans for the Ice Centre Redevelopment project become due for refinancing in March 2024.

We will continue to update Members on borrowing in future quarterly Capital Outturn reports.

8 Asset Maintenance

The Authority has developed an Asset Management (AM) programme across the assets and open spaces that it is directly responsible for. This is a rolling programme of major one-off and planned/cyclical maintenance over 10 years. The programme is funded by annual direct contributions from revenue to ensure that the programme is fully funded to cover both lower and higher maintenance years.

The annual AM budget is amended each year to take into account where additional maintenance is required, or is deferred to future years.

The annual AM profiled budget is expected to be around £1million, and includes schemes carried over from the prior year. Main areas included in the programme for 2023/24 include:

- Lee Valley Marina Springfield, asbestos roof replacement;
- Marina lighting upgrades;
- Footpath maintenance;
- Bridge maintenance and repairs; and
- Abbey Gardens.

Where AM works can be identified as capital in nature, these can then be capitalised, although the revenue funding will be assigned to these schemes so as not to further increase the charge to revenue that would occur with an unfinanced capital spend.

9 Hostile Vehicle Mitigation

This project has seen a number of delays due to both the planning process and a significant increase in material costs. This has seen a significant rise in costs above the current approved budget. As a result, the scheme is now in a redesign phase, which may result in a change to the overall scheme costs. It is now likely that the project will not be delivered in the current financial year.

10 Lee Valley White Water Centre Pumps Replacement

The updating of pumps and controls on both courses is now completed including the Controls. The costs of this project have increased by £200,000 as further outdated components were discovered during the upgrading works. Additionally we have identified that chillers are required to be replaced at a cost of £105k, this will be funded from the AM programme due to savings elsewhere.

11 Landscape, Open Space and Investment Projects

Officers have been reviewing the Landscape and Open Space project list (Paper E/711/20) for any schemes that may progress. Listed below are some that are progressing. In addition to those others are in the pipeline and these will start progressing throughout 2023 and onwards, such as Cheshunt Lakes S106, and Lea Bridge Station mitigation, although the progress of these will be dependent on the release of funds when the trigger points of the developments are met.

Middlesex Filter Beds

TConsultants are working up proposals for an interim secure generator housing whilst the option of a suitable electric feed continues to be investigated. It has been difficult to engage with Thames Water where the potential electric feed would come from a sub-meter on their land. Bio fuel options and Hydro-treated Vegetable Oil (HVO) are being investigated along with the secure generator housing. Consultants are progressing the required works and we expect to procure contractors in the next few months with completion this winter. Members will be updated as to how this project is progressing and when completion is expected once contractors have been procured.

East India Dock Basin

Final sampling is nearly complete and this will allow the application for a licence to disperse silt into the Thames.

The National Lottery Heritage Fund (NLHF) bid has been submitted and we are due a decision at the end of September.

St Pauls Field

The St Paul's Field project will deliver 3.25km of new footpath from Meadgate Road in Nazeing to Dobbs Weir Road. This will open up an area of the Park which has been inaccessible to the public, delivering a countryside and lakeland pathway for pedestrians and cyclists.

A planning application has been submitted and we are awaiting a decision. There has been very little objection or comment and we are confident we will be procuring contractors very shortly. Lanpro Landscape Architects have been appointed to contract administer the delivery of the project and will support development of specification and contractor procurement. A licence will be applied for to close a badger set whilst the works takes place and an ecology consultant has been appointed to undertake the work. The project is on track to be delivered by the end of March 2024.

North Wall Road

North Wall Road is north of Lee Valley VeloPark and jointly owned with the London Legacy Development Corporation (LLDC). It is a hard landscape which has had little value for either organisation. Land Use Consultants have been appointed to undertake the development of proposals and run engagement sessions with the local community. This will produce RIBA Stage 2 proposals by the end of March 2024. Officers will report back to Members on the designs, costs and outcome of the development work early next year. Delivery funding will be investigated but it is currently unclear from the GLA if the Green and Resilient Spaces funding stream will continue and we are likely to know further details on this early in 2024.

12 Venue Investment Projects

Executive Committee approved a list of venue investment projects at the meeting on 16 November 2021 (Paper E/743/21) which will enhance venues and deliver cost savings, additional and new income streams.

The projects will be delivered over a number of years, with a number being initiated in the current financial year; the welding tents for example are proving hard to source to our exact requirements; as such any element not viable we will return the allocated money into the capital account and report back.

Lee Valley White Water Slalom Ramp

The initial scheme came in at well over the available budget so the scheme was revised and we have completed the works to build the ramp in a new position as solely a ramp with no bridge connections. Works on the ramp were completed on 15 May 2023. Partial project funding from British Canoeing of £150,000 has been secured (Paper E/808/23), with the Authority's total contribution, including design stage, of around £200,000.

Lee Valley Athletics Centre Gym Refurbishment

The scheme is an upgrade of the existing Health and Fitness areas at the Athletics Centre, which involves the refurbishment of the strength and conditioning areas and equipment replacement; refurbishment and remodel of the Cross Fit Box area; modernisation of changing rooms; a more formalised and flexible studio space; and modernisation of the main reception area. This is currently in progress and will complete by October.

Lee Valley Riding Centre Equestrian Simulator

A scheme to refurbish one of the existing stables at Lee Valley Riding Centre and install an interactive equestrian simulator was completed in August and is now available for booking. The simulator can replicate a number of different riding scenarios and can be tailored to the needs of each rider. The project was delivered on budget, with the Authority providing the capital financing to GLL.

Lee Valley VeloPark Spectator Barrier

The scheme is to remove the current track barrier and handrail around the indoor velo circuit and replace it with a clear perspex screen that will be around 1400mm high. This will not only enhance significantly the spectator experience but also allow the venue to achieve accreditation to stage UCI events when the new governance comes into place next year. This is after a review by UCI into the major incident when a rider and bike traversed the old barrier and injured a spectator during a UCI event held at the Velodrome last year. The details and design have been approved by UCI and the cost of the scheme is approx £300,000.

CAPITAL RECEIPTS

- 13 The Authority has received a small capital receipt of £11,250 in respect of the disposal of land at the rear of 42 South Street, Stanstead Abbots. This will be added to the general capital receipts pool and utilised to part finance future capital expenditure.

ENVIRONMENTAL IMPLICATIONS

- 14 There are no direct environmental implications arising from the recommendations in this report. However, within each project a full evaluation of environmental

implications is undertaken and reported to Members as part of the overall project brief.

EQUALITY IMPLICATIONS

- 15 There are no equality implications arising directly from the recommendations in this report.

FINANCIAL IMPLICATIONS

- 16 A variance during the year on the capital programme can result in additional/reduced investment income being earned in the year as cash balances deposited in the Authority's approved bank accounts change.

HUMAN RESOURCE IMPLICATIONS

- 17 There are no human resource implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

- 18 There are no legal implications arising directly from the recommendations in this report.

RISK MANAGEMENT IMPLICATIONS

- 19 Failure to deliver a capital project within an agreed timescale could lead to adverse publicity. It may also mean that the Authority fails to achieve its corporate objectives within the time span that was originally anticipated and/or result in revenue budget variations as part of the Medium Term Financial Plan where the investment is intended to generate new income streams.

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PREVIOUS COMMITTEE REPORTS

Executive Committee	E/810/23	Q4 Capital Programme Budget Monitoring 2022/23	25 May 2023
Executive Committee	E/800/23	Q3 Capital Programme Budget Monitoring 2022/23	23 February 2023
Authority	A/4330/23	Proposed Capital Programme 2022/23 (Revised) to 2026/27	19 January 2023
Executive Committee	E/785/22	Q2 Capital Programme Budget Monitoring 2022/23	17 November 2022
Executive Committee	E/775/22	Q1 Capital Programme Budget Monitoring 2022/23	22 September 2022

APPENDIX ATTACHED

Appendix A Capital Monitoring 2023/24 Q1 Outturn

ABBREVIATIONS

AM Asset Maintenance

BGCL	Buckingham Group Contracting Limited
NLHF	National Lottery Heritage Funding
GLL	Greenwich Leisure Limited
LLDC	London Legacy Development Corporation
LSC	Leisure Services Contract

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Project Name	Full Scheme Budget £000s	Spend To Date £000s	Profiled Budget 2023/24 £000s	Actual to 31 Jul 2023 £000s	Projected Outturn at 31/03/2024 £000s	Projected Variance £000s	Comment
ANNUAL EARMARKED PROVISION							
Biodiversity Action Plan	-	-	50	3	50	0	Expected on budget
IT Infrastructure & Communications	-	-	140	50	140	0	Expected on budget
Asset Management	-	-	942	278	950	8	Expected on budget
PROJECT SPECIFIC BUDGETS							
Lee Valley Ice Centre Redevelopment	30,000	27,100	2,300	1,056	2,300	0	Programme Delivery Profiling
Olympic Park Hostile Vehicle Mitigation	495	5	490	0	0	-490	Slippage/In Progress
White Water Pumps Replacement	1,040	885	155	149	149	-6	Additional works - Scheme Complete
Holyfieldhall Farm Operational Change	155	0	155	24	155	0	On target
LANDSCAPE, OPEN SPACE & INVESTMENT PROJECTS							
East India Dock Basin - Feasibility	85	61	24	14	24	0	Stage Complete
East India Dock Basin - De-silting works	500	0	500	0	50	-450	Provisional Budget
Middlesex Filter Beds Sluice	240	0	240	0	40	-200	Slippage/In Progress
St Pauls Field - Feasibility	25	22	3	5	5	2	Stage Complete
St Pauls Field	300	0	300	0	350	50	Provisional Budget
North Wall Road	40	0	40	0	40	0	
VENUES INVESTMENT PROJECTS							
Non-Sports Venues							
Feeder Pillars (Springfield)	75	0	75	0	50	-25	
Workshop Extension (Springfield)	100	0	100	0	100	0	
Scout Hut Refurbishment (Springfield)	50	0	50	0	50	0	
Laundry Room Extend (Stanstead Abbotts)	70	0	70	1	70	0	
Dobbs Weir Bungalow (Renovation)	55	8	47	71	71	24	
Sewardstone House (Renovation)	40	21	19	12	19	0	
Sports Venues							
WhiteWater - Offices/Meeting Rooms	500	496	0	42	42	42	Additional works - Scheme Complete
Whitewater - Slalom Ramp	340	32	308	315	315	7	Scheme Complete

LEE VALLEY REGIONAL PARK AUTHORITY
CAPITAL PROGRAMME MONITORING 2023/24 QUARTER 1

Project Name	Full Scheme Budget £000s	Spend To Date £000s	Profiled Budget 2023/24 £000s	Actual to 31 Jul 2023 £000s	Projected Outturn at 31/03/2024 £000s	Projected Variance £000s	Comment
LVRC Equestrian Simulator	65	0	65	0	65	0	0 Scheme Complete
LVAC Health & Fitness Refurbishment	575	0	575	0	575	0	0 In progress
LSC LED Lighting	1,522	0	1,522	0	1,400	-122	
Velo Spectator Barrier	300	0	300	0	300	0	
TOTAL PROGRAMME			8,470	2,020	7,310	-1,160	
External Funding							
Whitewater - Slalom Ramp	-150	0	-150	-150	-150	0	
North Wall Road	-40	0	-40	0	-40	0	
TOTAL INCOME			(190)	(150)	(190)	0	
CAPITAL PROGRAMME FINANCING							
Borrowing			2,300		2,300		
External Funding			190		190		
AM Reserve			942		950		
Revenue Projects			190		190		
Capital Receipts			4,848		3,680		
TOTAL FINANCING			8,470		7,310		

**WHARF ROAD, WORMLEY
POTENTIAL LAND EXCHANGES**

Presented by the Deputy Chief Executive

EXECUTIVE SUMMARY

Since 1967 the Authority has acquired a number of plots of land at Wharf Road, Wormley, in order to incorporate it into an extension to the River Lee Country Park. This was considered to be a strategic location in the Regional Park until Broxbourne Borough Council's Local Plan Policy GT1 which when adopted in 2020 provides for a Gypsy/Traveller site in the Wharf Road area including Authority owned land.

This report sets out in summary the current position relating to the Authority's land ownership in the area and following a number of discussions with Broxbourne Borough Council officers seeks Member approval for officers to enter into discussions with residents who are located on the waterfront in the Wharf Road area on potential land exchange with the Authority for land which would allow them to relocate into the designated Gypsy and Traveller area. These discussions would be facilitated by Broxbourne Borough Council. Any land exchange brought forward would be subject to the provisions of the Lee Valley Regional Park Act 1966 relating to best consideration. This will then in turn be subject to future Member approval and Secretary of State consent.

RECOMMENDATION

Members Approve: (1) Officers entering into discussions alongside Broxbourne Borough Council with residents in the Wharf Road area on the subject of potential land exchange.

BACKGROUND

1 Since 1967 the Authority has been progressively acquiring chalet plots at Wharf Road and the plan attached at Appendix A to this report shows the Authority's current ownership. The Authority had adopted a policy of acquisition in this area to fulfil its long-term future proposals under its successive Park Plan proposals which was to incorporate Wharf Road into an extension of the River Lee Country Park creating a vehicular access track linking Wharf Road and Silvermead. This was to contribute to the Authority's corporate objective of

developing the Regional Park as an 'Accessible Resource' and enhancing the 'Sustainable Environment' by adding to the area of land in public ownership.

- 2 The most recent acquisition of the single plots was in 2012 when the Authority purchased Plot 51 Leaside for £40,000. This land was believed to be the last privately owned plot which was not in Gypsy/Traveller ownership. Since the late 1960's the Authority has spent circa £350,000 in total on a number of the single plots. The Authority has also purchased The Forge site to the west of the single plots for £460,000 in 2013 and Waverley Nursery (the former waste transfer site) for £662,500 in 2016. The total sum spent in this area to further the original strategic objective is circa £1.5m (at the times of purchase), which has an indexed value of £2.37m as at July 2023.
- 3 The Broxbourne Borough Council (the Council) draft local plan in 2016 included a specific policy proposal relating to Wharf Road which stated that the Council would work with the Authority and the travelling communities to develop a Gypsy/Traveller site in the centre of the area involving the relocation of 'the straggle of plots' into a central area. This proposal included land in the ownership of the Authority which was open space. The Authority objected to this proposal on the grounds that it would be inappropriate in terms of Green Belt and contrary to the Authority's adopted Park Plan and its own long term proposals for the area. It was apparent in meetings with Council officers at that time that there was a lack of clarity on how the proposal could be delivered as the Council were clear that it did not intend to manage the site and it expected it to be "self-managing".
- 4 Whilst the Authority maintained its objection the Council succeeded and an area of land was removed from the Green Belt in 2020 and Local Plan Policy GT1: Gypsy and Traveller Sites was included within the Council's adopted Local Plan. The Council are now consulting on a Supplementary Planning Document (SPD) which is out for consultation and consideration of the Authority's comments in response to this consultation will be subject to a report to the Regeneration and Planning Committee later today. This report is attached at Appendix B to this report which Members are encouraged to read as it contains detailed information on the history of the site which was originally developed incrementally for holiday chalets in the 1920's and 1930's.
- 5 For a number of years Authority officers have continued to meet with Council officers and other agencies to discuss some of the issues on site when problems of unlawful planning use and illegal activities have intensified. It is fair to say that in the last couple of years these meetings have been more frequent as the level of crime and general disorder in the area together with encroachment and continued unlawful planning uses have increased. There has been an interagency approach including the Hertfordshire Police who are seeking to tackle crime in this area. It was then a considerable surprise to Authority officers when the SPD went out without any pre-consultation with Authority officers even though it contains clear statements which purport to have been made by the Authority or at least in agreement with it. Despite assurances from Council officers the wording was not revised and re-issued as an amended document so it is now only open to the Authority to respond via the formal consultation and the document as issued will leave the public with inaccurate information in relation to the Authority's position as they themselves are considering their own responses.

AUTHORITY OWNED LAND

- 6 The plan at Appendix A to this report shows the area of land (edged red) which has been removed from the Green Belt and designated as GT1. This designation in itself does not impact on the Authority's land ownership per se but it does restrict the use of the land for Gypsy and Traveller use and so sterilises it to a degree from Regional Park uses. The Authority's statutory duty under the Lee Valley Regional Park Act 1966 (the Park Act) is to improve and manage the Park as a place for leisure, recreation, sport and nature reserves hence it was opposed to the proposal put forward by the Council.
- 7 Each plot of land is a privately owned piece of land either with single or multiple ownerships involving numerous individuals. Whilst the Authority owns all of the grey plots they are still all individually registered with the Land Registry as they all have separate land titles. There are a number of encroachments on Authority land which have increased over time and in particular in the last couple of years over the period of the pandemic. A number of photographs will be shown at the meeting to show the extent of the problem. In addition, a number of the plots have been sub-let and so it is not entirely clear who is occupying the site although there are some established freehold owners who still occupy their land areas. Inevitably with sites occupied by Gypsies and Travellers and as families grow encroachments will occur as with this area where land owned by the Authority is readily available. An incremental creep will start pushing out a boundary fence to enable an extra caravan on site which is challenging to monitor and measure due to the irregular sizes of the individual plots until the scale that we see today is reached where roads have been built by the Gypsies and Travellers to improve access across land which they do not own.

POTENTIAL LAND EXCHANGE

- 8 The Council are proposing within its draft SPD that those persons living on the riverside (or waterfront) will be relocated over time into the area which is designated for Gypsy/Traveller use. *"All vacated plots, all fences, hardstandings and other development will be removed and the environment of the waterfront enhanced."*
- 9 Despite the current wording in the SPD Authority officers have been clear that the Authority is unlikely to purchase any more plots of land in the Wharf Road area as the Local Plan Policy GT1 sits squarely against the Authority's long term proposals. The Council would like the Authority to engage in discussions with the waterfront residents on the potential of land swap from the waterfront to the central designated area. The Council has agreed to facilitate these meetings to see if any residents would be interested in such a discussion. Even if the Council were able to successfully implement the GT1 policy there remains the overall concern from the Authority's perspective as to the continued creep of unauthorised development which with a self-managed site is unlikely to be prevented due to the amount of land in the area which is open and undeveloped.
- 10 From a legal perspective any land swap (or exchange) would need to be in accordance with the provisions of the Park Act. This means that if the Authority were minded to exchange any areas of its land for privately owned waterfront plots that the exchange would need to satisfy the Park Act requirements for "best consideration".

- 11 The Council have indicated in the SPD that subject to securing funding that it will work with statutory utilities providers to provide an authorised supply of gas, electricity, waste water and water supply but the site will continue to be self-managed and owned by the residents. There is no clear plan or budget from the Council to deliver any Infrastructure and no commitment from the Council to fund roads and/or footpaths to attempt to contain the site.

COUNCIL PROPOSAL FOR ENFORCEMENT ACTION

- 12 It is understood from the officer meetings that the Council issued Planning Contravention Notices on those occupiers who are either occupying land without planning permission or for the carrying out of unauthorised uses and/or encroachment. The purpose of these Notices were to obtain information on those who were occupying the plots. They have advised that no responses were received.
- 13 The Council have advised at recent meetings with Authority officers that it is now intending to exercise its discretion to bring enforcement proceedings under the Town and Country Planning Act 1990 to seek to regulate the unlawful occupation and uses in Wharf Road. As the Authority own a number of areas of land which have been encroached on the Council will need to serve enforcement notices on the Authority setting out the "reasonable steps" that it believes the Authority should take to address the enforcement issues. The Council will also serve on the occupiers, but in a number of cases it is likely they will effectively be served on "persons unknown". The Authority will be required to respond to the enforcement notices and will need to use its time and resource to do so and it is not likely then to have the capacity to continue with any resident discussions on land swap (or exchange). This is due to the fact that it appears to be the intention of the Council to commence the enforcement action at the same time as opening up discussions with waterside residents.

ENVIRONMENTAL IMPLICATIONS

- 14 There are no environmental implications arising directly from the recommendations in this report.

FINANCIAL IMPLICATIONS

- 15 There are no financial implications arising directly from the recommendations in this report.

HUMAN RESOURCE IMPLICATIONS

- 16 There are no human resource implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

- 17 The legal implications are dealt with in the body of the report.

RISK MANAGEMENT IMPLICATIONS

- 18 There are no risk management implications arising directly from the recommendations in this report.

EQUALITY IMPLICATIONS

- 19 There are no equality implications arising directly from the recommendations in this report.

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APPENDICES ATTACHED

Appendix A Plan
Appendix B Paper RP/73/23

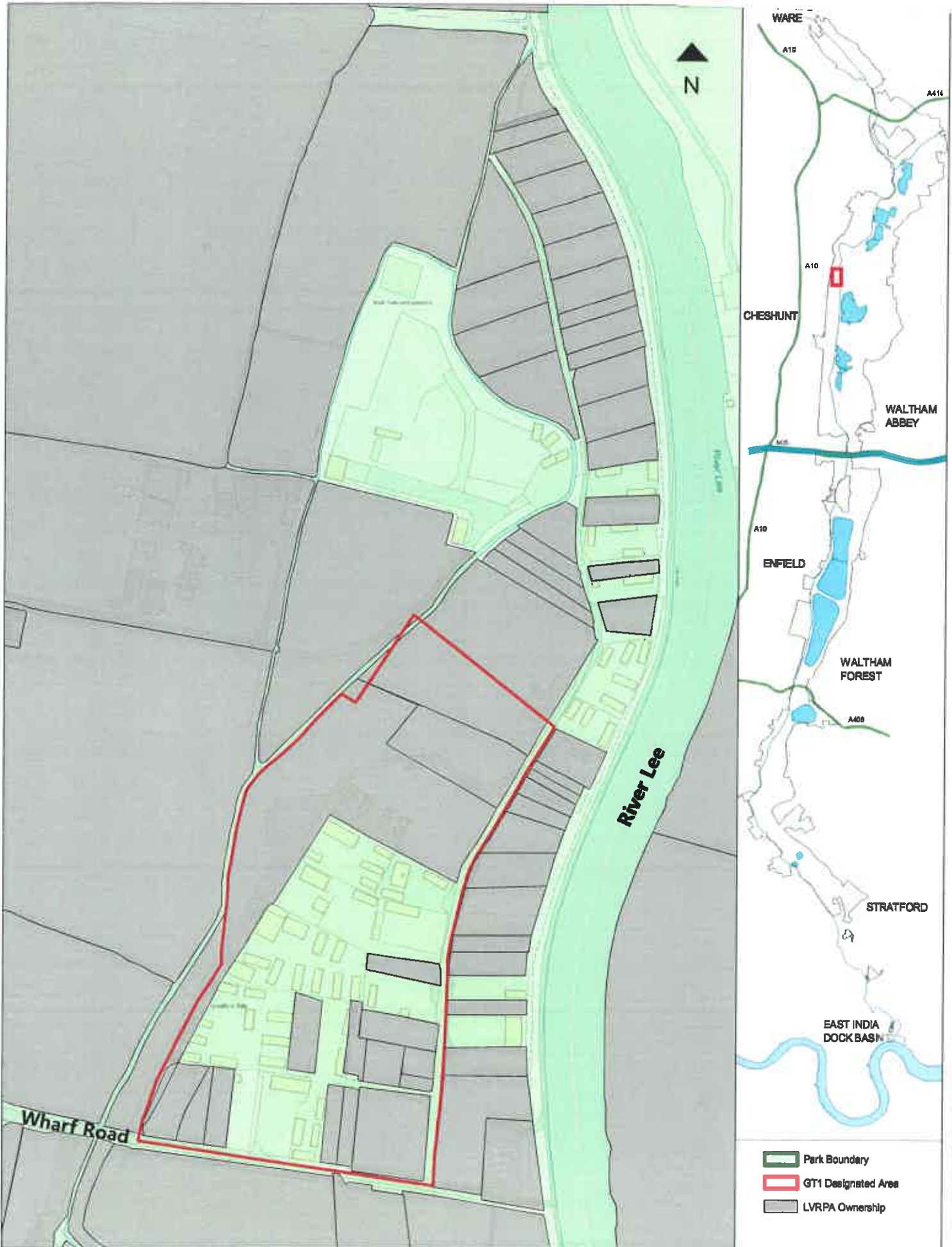
ABBREVIATIONS

the Council	Broxbourne Borough Council
the Park Act	Lee Valley Regional Park Act 1966
SPD	Supplementary Planning Document

PREVIOUS COMMITTEE REPORTS


Executive	E/197/12 Part 2	Wharf Road, Wormley, Proposed Acquisition of Plot 51	23 March 2012
Executive	E/296/13 Part 2	Proposed Acquisition of Wormley Boarding Kennels site, Wharf Road, Wormley – Consideration of terms provisionally agreed	25 July 2013
Executive	E/615/19 Part 2	Potential Acquisition of Property at Wharf Road, Broxbourne, Hertfordshire	21 March 2019

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GT1 Designated Area - LVRPA Context. Wharf Road, Wormley.

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 <p>LEE VALLEY REGIONAL PARK AUTHORITY</p> <p>REGENERATION AND PLANNING COMMITTEE</p> <p>21 SEPTEMBER 2023 AT 11:30</p>	<p>Agenda Item No:</p> <p style="text-align: center;">5</p> <p>Report No:</p> <p style="text-align: center;">RP/73/23</p>
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**WHARF ROAD
DRAFT SUPPLEMENTARY PLANNING DOCUMENT
CONSULTATION BY BROXBOURNE BOROUGH COUNCIL**

Presented by the Head of Planning

SUMMARY

Broxbourne Borough Council are consulting on a draft Supplementary Planning Document (SPD) for Wharf Road. The SPD sets out a draft masterplan for the Wharf Road Gypsy and Traveller site GT1. Broxbourne Borough Council intend that the masterplan will provide additional detail to the existing Local Plan policy for the Wharf Road site.

Officers have been working with the Council and other stakeholders to find a way forward for the Wharf Road area since the allocation of the Gypsy Traveller site GT1 and adoption of the Local Plan in 2020. These meetings have also included representatives from Environmental Health, Environmental Services, the Police and service providers due to the range of issues encountered on site and concerns raised by local residents in the area.

The Authority was not informed of Broxbourne Borough Council's work on the draft SPD until it was issued for public consultation (12 July to 25 September 2023) and circulated amongst the residents of Wharf Road. Broxbourne Borough Council have apologised for this error but, due to this lack of pre-consultation involvement, the draft SPD has been issued with inaccurate information and has misrepresented the Authority's position regarding its landholdings in the area.

The Authority's draft comments on the SPD attached at Appendix A to this report include the revised wording that should be included as part of the draft masterplan and highlight other corrections needed.

RECOMMENDATION

Members Approve: (1) the comments as set out in Appendix A to this report as the Authority's formal response to the consultation by Broxbourne Borough Council on the draft Wharf Road Supplementary Planning Document.

BACKGROUND

- 1 The Broxbourne Local Plan (2018 – 2033) designates an area north of Wharf Road, 'GT1' as an authorised Gypsy Traveller site, "to accommodate the appropriate needs of the Wharf Road Community". Please refer to the plan at Appendix B to this report, which shows the GT1 site as presented in the Local Plan. This site has been removed from the Green Belt although it is still part of the Regional Park. The Authority objected to this designation during the Local Plan process, but it was endorsed by the Planning Inspector during the Local Plan Examination as a means of consolidating *"all of the traveller accommodation onto one defined area, away from the river"* and which, *"would provide an opportunity to create clear landscaped boundaries around it and allow the implementation of the LVRPA's environmental strategy on the surrounding land"*.

- 2 Broxbourne Borough Council (BBC) are now consulting on the draft Wharf Road Supplementary Planning Document (SPD). BBC state that the purpose of the SPD is to promote better living conditions for the residents of the Wharf Road traveller site *"as well as supporting action to improve the environment of the Lee Valley Country Park and tackle issues of unlawful expansion of the site"*. The SPD includes a draft masterplan for the area.

- 3 **Description of Wharf Road Area**
 The allocated Gypsy and Traveller Site is located within the south eastern portion of the wider Wharf Road area which is defined in the Park Development Framework (PDF) under Proposal 6.A.4.1 see Appendix C to this report. The Wharf Road area forms part of the northern section of the River Lee Country Park (RLCP), located between the areas of Nazeing and Wormley. The site is bounded on the west by the London Cambridge rail line and to the east by the River Lee Navigation. The northern part of the site merges into an area known as Silvermeads a County wildlife site with high ecological values including a significant water vole population. To the south lies the extensive parkland of the RLCP an attractive and popular visitor destination. These areas are of high landscape and ecological value comprising Turnford and Cheshunt Pits Site of Special Scientific Interest (SSSI) which also forms part of the Lee Valley Special Protection Area (SPA) and Ramsar Site

- 4 Access to the Wharf Road area is limited. The nearest cross valley route, Old Nazeing Road is 1100m to the north and the east west track adjacent to Turnford Brook is 1900m to the south. There are only three entry points to the site – via the Wharf Road level crossing and the Lee Navigation towpath extending north and south, which carries the Lea Valley Walk and forms the principle pedestrian and cycle route link to the rest of the RLCP and Broxbourne station in the north. The Authority owns and manages a small public car park at the eastern end of Wharf Rd adjacent to the towpath.

- 5 **Site History**
 The Wharf Road area was developed incrementally for holiday chalets in the 1920s and 1930s. Over the years that followed various other uses developed most unauthorised, including allotments, nurseries, and a boarding kennels. By the late 1970s the area consisted of between 69 to 75 plots in various ownerships and by the late 1980s it was clear that the holiday chalets and recreational plots at Wharf Road had ceased to "serve a genuinely recreational function" (1986 Park Plan). Information contained in old committee reports from the early 1980s show that public health, housing and planning concerns were

already being raised by Broxbourne Borough Council. They were concerned about the poor condition of the 'accommodation' and lack of planning permissions for these structures, the lack of water supply and mains drainage/sewage disposal and the increase in unauthorised activities. At that time it was noted that these conditions had existed for at least twenty years, therefore originating before the establishment of the Regional Park and Park Authority.

- 6 The removal of the leisure plots at Wharf Road and their replacement with open space was identified as a priority task during the first few months of the Authority's existence. The first plot was acquired in October 1967 and the Authority continued to acquire land and plots on an 'opportunity' basis. The Authority's plans for this area have remained consistent since the first 1969 'Plan of Proposals' which designated the Wharf Road area as "Open Space Parkland". Successive 'Park Plans' and the proposals contained within have sought to create a landscaped area for informal public recreation through the acquisition of land and buildings and if necessary through the use of the Authority's compulsory purchase powers (CPO).
- 7 Over the years the Authority has supported Broxbourne Borough Council in its work to remove unauthorised use and resolve planning, public health and encroachment issues. However whilst the Authority continued to acquire plots at Wharf Road with the last one in April 2012, it was also evident that a number of plots had been bought by traveller families directly from private owners. These were generally fenced, laid out with hard standing and occupied for permanent residential use. By early 2008 Broxbourne Borough Council had issued 6 planning contravention notices (to establish ownership, residence duration and nature of present use), pre-emptive injunctions on 2 plots (relating to their possible residential use or the laying of hard surfacing) and an operational enforcement notice on 1 plot. By late 2009 there were 9 sites occupied by Gypsies and Travellers (as reported in October 2009 paper A/4080/09) and 2 sites immune from action to remove them. In 2012 planning permission was granted on appeal for two Gypsy and Traveller sites.
- 8 This appeal decision going against the Council, together with advice that the Authority obtained from Counsel about developing detailed and robust proposals for Wharf Road to satisfy CPO procedures, and the criteria for acquisition in the public interest, prompted the Authority to commission an environmental strategy for Wharf Road. The Wharf Road Environmental Strategy Feb 2013 informed the development of PDF proposals for the Wharf Road area and was issued as an evidence base document for public consultation (December 2014 to February 2015) alongside the PDF Area 6 proposals. Key aspects of the Wharf Road proposals as adopted in 2019 can be summarised as follows:
 - Planting of native wet woodland to provide enhanced screening of visually intrusive uses.
 - Creation of a major new pedestrian spine parallel with the Broxbourne Ditch corridor.
 - Extension of existing path network and new access point for Silvermeade access.
 - New scrapes and additional ecological interventions, including management works to Broxbourne ditch to improve habitat for water voles.
 - Potential for short or long rotation coppice on the sites currently occupied

- by commercial premises.
 - Develop a long term strategy of removing illegal, non-conforming uses within the area including through use of enforcement action and compulsory purchase if necessary.
- 9 At the conclusion of the Local Plan Examination in 2020 the Authority owned 49 out of 69 plots amounting to around 80% of the site area. It was estimated then that the Authority has 'invested' £1.5m through land acquisition in the area. This considerable amount was predicated on a 'return' which would deliver a significant improvement in the environment of the area in line with its statutory purpose. Significant effort and officer time has also been spent removing unauthorised development and encroachments from Authority land holdings in the area over past years, with limited effect.
- 10 **Current Situation**
Over the last couple of years the nature of the unauthorised activities at Wharf Road has intensified raising public health and safety concerns. It has also on occasion impacted on visitors and users of the Park and its facilities. Significant encroachments are evident across areas owned by the Authority. A joint interagency team (Community Safety, Environmental Health, and Planning and the local police) has been meeting to tackle some of the issues and to examine options for delivering the Council's policy GT1 to establish a permanent Gypsy Traveller site at Wharf Road.
- 11 At the most recent set of meetings the Council indicated it would commence planning enforcement proceedings against any illegal encroachments within the area outlined in the Local Plan site GT1. This area must be cleared to accommodate the plots which in the Council's proposal will be relocated from the riverfront. Any enforcement action on plots that are owned by the Authority will mean the Council will need to serve enforcement notices on the Authority as landowner as well as on the occupier/s of the land. It was also identified that caravan licencing enforcement action should be taken simultaneously within the GT1 area, to be actioned by the Environmental Health department. While enforcement actions are being undertaken, proceeds of crime will also be investigated.
- 12 The Council are also pressing for meetings to be organised with individual owners of all river-front plots in order to negotiate direct land swaps with the Authority and start the process of moving residents into the central area. The Council are proposing to arrange these meetings and act as facilitator. Enforcement action will be held off for waterfront plots pending land swap negotiations. Enforcement proceeding in the central area will however impact upon the Authority as landowner of areas within the GT1 site.

THE DRAFT WHARF ROAD SPD

- 13 The SPD sets out a draft masterplan for the Wharf Road Gypsy and Traveller site GT1. The Council intend that the masterplan will provide additional detail to the existing Local Plan policy for the Wharf Road site. The draft SPD was issued for consultation on the 12 July until 25 September 2023. It is understood copies of the document were hand delivered to residents at Wharf Road. Once adopted it will be a material consideration in dealing with planning applications. The document repeats the Council's justification for establishing the Wharf Road site as set out in the Local Plan and the endorsement of this approach by the Planning Inspector who examined the Local Plan in 2020.

- 14 The SPD identifies and describes two main areas of development within the masterplan area; the first is the area to the north of Wharf Road itself where a cluster of caravans have been fenced in to create pitches with parking for cars and private space. This is the area defined as the Gypsy Traveller site GT1 in the Local Plan which has been removed from the Green Belt (Appendix B to this report). The second area refers to land fronting the River Lee Navigation where a number of caravans are located within individual plots. This area remains part of the Green Belt. Some of the caravans within both the designated site and along the waterfront have planning permission through certificates of lawfulness which have been issued by the Council and a small number also have caravan licenses. Some are not authorised. The SPD also recognises that there are problems with unauthorised encroachment and erection of fencing on land owned by the Authority and fly tipping.
- 15 The SPD acknowledges that the allocated site is located in an area at risk from flooding and there are no site specific flood defences in place. It also states that the site is not serviced with mains gas, electricity or waste water although there is a private water supply. It is understood that more recently UK Power Networks (UKPN) have made some connections to the electricity supply following requests from persons they presumed to be landowners and when they have been on site sorting out dangerous illegal connections.
- 16 The SPD refers to the PDF Area proposals relating to Wharf Road and also a detailed 'Landscape Strategy' for the area. Included within the document is the 'masterplan' drawing from what is in fact the 'Wharf Road Environmental Strategy' dated 2013. This work was commissioned by the Authority to inform the development and content of PDF Proposals for Area 6 River Lee Country Park. The SPD also highlights the River Lee towpath which is a Public Right of Way (PRoW) on the eastern edge of the site as a popular route through the Regional Park for visitors.
- 17 The draft masterplan sets out the Council's approach to the consolidation of all the gypsy and traveller plots within the designated site GT1. This requires the plots within the designated site to be retained 'without change' and the remaining riverside plots (9 plots in total) to be relocated over time into the designated site, onto the areas which are shown in orange. Please refer to the SPD draft masterplan included as Appendix D to this report. Once vacated all fences, hardstanding and other development are to be removed and the environment of the waterfront enhanced. A set of General Principles a) to k) inclusive are also set out as part of the masterplan – these are described as representing the position of both the Council and the Authority.
- 18 Through these measures the Council are seeking to create a contained (by natural boundary), authorised and licenced site properly serviced with roads, water, electricity and drainage on the area occupied by the majority of the existing lawful caravans to the north of Wharf Road, along with open land immediately to the north. This would in turn free up land alongside the River Lee Navigation to be re-incorporated into the River Lee Country Park. The Council propose that the site will be managed by the residents.

COMMENTS ON THE DRAFT WHARF ROAD SPD

- 19 **General Principles and Draft Masterplan**
Officers from both the Authority and the Council have had a number of meetings

over the last couple of years to find a way forward for the Wharf Road area since the allocation of the Gypsy Traveller site GT1 and adoption of the Local Plan in 2020. These meetings have also included representatives from Environmental Health, Environmental Services, the Police and service providers due to the range of issues encountered on site and concerns raised by local residents in the area. There has been a strong desire amongst all parties to find a reasonable solution to the range of problems on and off site as well as moving forward with the planning requirements set out in the Local Plan.

- 20 It was disappointing therefore, that officers of the Authority were not made aware of the Council's proposal to produce and consult upon a supplementary planning document for Wharf Road in advance of its publication and circulation amongst the residents of Wharf Road. This is unfortunate as the General Principles included within the draft SPD, supposedly representing the positions of both the Council and the Authority have in fact misrepresented the Authority's position stating under f) that the Authority will seek to purchase all waterfront plots and/or swap this land for Authority owned land within the central allocated area. Whilst officers have proposed the potential option to exchange land on the waterfront for Authority land within the central allocated area, no proposal has been made to purchase land and the Authority would need to comply with the provisions of the Park Act.
- 21 The Council officers have apologised for this error and the lack of pre-publication consultation with the Authority. Although notified of this error at the earliest opportunity they were not prepared to reissue the document and extend the consultation period. Instead assurances have been given that the revised wording provided by the Authority will be included in the final draft document to be considered by the Broxbourne Cabinet. Whilst these assurances are welcomed, there is concern that the position set out under General Principle f) may have misdirected local residents, and the public more generally. Revised wording for f) is included in the letter attached as Appendix A to this report. This will need to be included within the final approved document particularly if the SPD is to form a basis for planning decisions and enforcement action.
- 22 **General Principle g)** also requires an amendment. It refers to the PDF Area Proposals and the measures these identify as necessary to enhance the area, its environment and improve access for informal recreational purposes. It should be noted, however, that the PDF Wharf Road Area proposals cover a wider area than that referred to in the SPD. When adopted, they did not envisage the allocation of a formal Gypsy and Traveller site, nor that it would extend to the edge of the Broxbourne Ditch in the west and introduce a roadway around the majority of its boundary. Whilst the Area Proposals will still apply to the Wharf Road area the detail would in due course need to be reviewed in respect of the impact of the designated GT1 site on the surrounding public Park spaces and in particular the Broxbourne ditch and its environment. Revised wording for General Principle g) is proposed in the letter attached at Appendix A to this report.
- 23 Minor amendments are also required to General Principle k) which refers to 'site specific flood defences'. The Authority raised concerns about flood risk in relation to the allocated site during the Local Plan examination process. Appropriate flood defence measures will need to be accommodated as part of the design of the allocated site and will be a matter for the Council and the Environment Agency (EA) to resolve.

- 24 Other minor revisions are identified as part of the Authority's formal comments attached as Appendix A to this report. These refer to both the text of the SPD and the draft masterplan at Figure 4.
- 25 It is understood that once the Council have considered the responses to the draft SPD and made any relevant amendments the final version of the document will be presented to BBC Cabinet for approval in the autumn. It is understood that this document will support enforcement proceedings and form a basis for ongoing discussions and with the Authority and other parties in respect of delivering the consolidated Gypsy and Traveller site. It should be noted however that it will be difficult for officers to enter into negotiations on land swaps whilst enforcement action is being taken against the Authority.

ENVIRONMENTAL IMPLICATIONS

- 26 There are no environmental implications arising directly from the recommendations in this report but the draft Wharf Road SPD once adopted will contain guidance that will assist in the implementation of the Broxbourne Local Plan policy GT1 which will have an impact upon an area of the Park at Wharf Road and the implementation of PDF Area Proposal 6.A.4.1.

FINANCIAL IMPLICATIONS

- 27 There are no financial implications arising directly from the recommendations in this report.

HUMAN RESOURCE IMPLICATIONS

- 28 There are no human resource implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

- 29 Planning applications referred to this Authority are submitted under the consultative arrangements of Section 14 (4-7) of the Lee Valley Regional Park Act 1966. The Park Act requires a local planning authority to consult with the Authority on any planning application for development, whether within the designated area of the Park or not, which might affect any part of the Park.
- 30 The Park Act enables the Authority to make representations to the local planning authority which they shall take into account when determining the planning application.

RISK MANAGEMENT IMPLICATIONS

- 31 There are no risk management implications arising directly from the recommendations in this report.

EQUALITY IMPLICATIONS

- 32 There are no equality implications arising directly from the recommendations in this report. This may be adequate but just flagging this so we can discuss.

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BACKGROUND REPORTS

Broxbourne Borough Council Wharf Road Supplementary Planning Document Draft for public consultation. This can be viewed in full via the following link:

<https://www.broxbourne.gov.uk/community/consultations>.

APPENDICES ATTACHED

Appendix A	The Authority's draft response to Broxbourne Borough Council
Appendix B	Context Plan showing the allocated site GT1 from the Local Plan adopted in 2020 and LVRPA ownership
Appendix C	PDF Area Proposal 6.A.4.1 for Wharf Road
Appendix D	Extract from the draft SPD General Principles and draft Masterplan

LIST OF ABBREVIATIONS

SPD	Supplementary Planning Document
PDF	Park Development Framework
BBC	Broxbourne Borough Council
RLCP	River Lee Country Park
PDF	Park Development Framework
SSSI	Site of Special Scientific Interest
SPA	Special Protection Area
CPO	Compulsory Purchase Order
UKPN	UK Power Networks
PRoW	Public Right of Way
EA	Environment Agency
GT	Gypsy/Traveller
the Park Act	Lee Valley Regional Park Act 1966



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21 September 2023

Dear Alison

RE: CONSULTATION ON THE DRAFT WHARF ROAD SUPPLEMENTARY PLANNING DOCUMENT - LEE VALLEY REGIONAL PARK AUTHORITY COMMENTS

Thank you for consulting the Regional Park Authority on the draft Wharf Road Supplementary Planning Document (SPD). A report on this matter was considered by the Authority's Members, at the Lee Valley Regeneration and Planning Committee on the 21st September 2023, when the following comments were agreed.

SPD General Principles and Draft Masterplan

The Authority welcomes the opportunity to comment on the draft SPD. It is unfortunate that officers were not made aware of this document or engaged earlier in the Council's drafting process for the SPD given that the objective of the document is to represent the position of both parties, building on the joint working that has taken place over the last year or so. Consequently the draft masterplan, as published for consultation, contains a significant error in terms of the Authority's position, which may have misdirected local residents, and the public more generally. This is explained below together with a number of other matters/concerns which will require amendments.

The following corrections are required in terms of **General Principle f)**. This should be rewritten so that it removes any reference to the Authority purchasing plots as part of the masterplan process. The following wording should be included in the revised SPD, (as indicated by the red bold font and strikethrough):

f. For both authorised and unauthorised development on the waterfront (including the plots shown and any others) the LVRPA **may consider an exchange of** ~~will seek to purchase all waterfront plots and/or swap this land for Authority-owned land shaded in orange.~~ **This is subject to compliance with the Lee Valley Regional Park Act 1966.**

The Authority will not be purchasing any further plots at Wharf Road to facilitate the policy requirements of the Local Plan. An exchange of land may be possible, particularly as the Authority owns 58.7% of the area of the allocated site GT1, i.e. the areas in orange shown on Fig 4 Draft Masterplan onto which the Council proposes to move the waterside plots. This would be subject to legal advice and compliance with the requirements of the Park Act 1966.

As you are aware this amendment was raised with officers at the earliest opportunity and assurances have been given that the above wording will be incorporated into the amended version of the SPD to be considered by your Cabinet. This revision is required to ensure the SPD can form the basis of future planning considerations and enforcement action. The Authority wishes to see a copy of the revised SPD prior to its consideration by Cabinet.

Other Matters relating to General Principles and Fig 4: Draft Masterplan

General Principle g) refers to the PDF. It states that following the plot relocations the PDF indicates that the Authority will undertake environmental enhancements including to the Broxbourne Ditch, the waterfront and surrounding areas to implement the landscape strategy and PDF. The PDF Wharf Road Area proposals, which cover a wider area than that referred to in the SPD did not envisage the allocation of a formal Gypsy and Traveller site, nor that it would extend to the edge of the Broxbourne Ditch in the west and introduce a roadway around the majority of its boundary. It is understood that the roadway and to some extent the ditch will assist in defining the boundaries to the allocated site and assist with future site management. Nonetheless, whilst the Area Proposals will still apply to the Wharf Road area the detail would need to be reviewed in respect of the impact of the designated GT site on the surrounding public Park spaces and the Authority's future consideration of environmental enhancements.

The following revised text is proposed for General Principle g):

g) Following the necessary plot relocations the Park Development Framework Area Proposals indicate that the LVRPA will work with the Council and other stakeholders to implement environmental improvements and habitat enhancements across the area and increase the amount of space available for informal recreation. ~~undertake environmental enhancements including to the Broxbourne Ditch, the waterfront and surrounding areas to implement the landscape strategy and Park Development Framework~~

General Principles j) and k) make similar points about the provision of utilities and services. It is suggested that the last part of k) could be deleted.

It is unclear how the Authority will be able to assist with the provision of 'site specific flood defences' mentioned under General Principle k). Issues relating to flood risk in respect of the allocated site were raised from the outset of the Local Plan process. Appropriate flood defence measures will need to be accommodated as part of the design of the allocated site. Revised wording is proposed below for point k):

k) Subject to securing funding the Council and the Park Authority will work with the Environment Agency to provide site specific flood defences and utilities companies to provide mains electricity, water and gas connections.

Fig 4: Draft Masterplan also requires amendments as follows:

The reference to Lee Valley Country Park should be corrected to **River Lee Country Park** – text on page 5 should also be amended to include the correct title. The notation of the roadway around the boundary of part of the site shown on the map does not correspond to the key and needs to be amended. It would also be helpful to include a boundary indicating the extent of the masterplan area as this is unclear.

Pages 5 and 6:

The draft SPD includes a section on the Lee Valley Country Park (page 5). This will need to be amended. It should be made clear that the **Wharf Road area** lies within the **River Lee Country Park** and the title to this section amended accordingly. The Wharf Road Inset should be referenced as Area Proposal 6.A.4.1 and the text included on page 5 should be identified as a summary of the Area Proposals not objectives for the Wharf Road as currently stated. The Wharf Road Proposals are attached in full as an Appendix to this letter for reference.

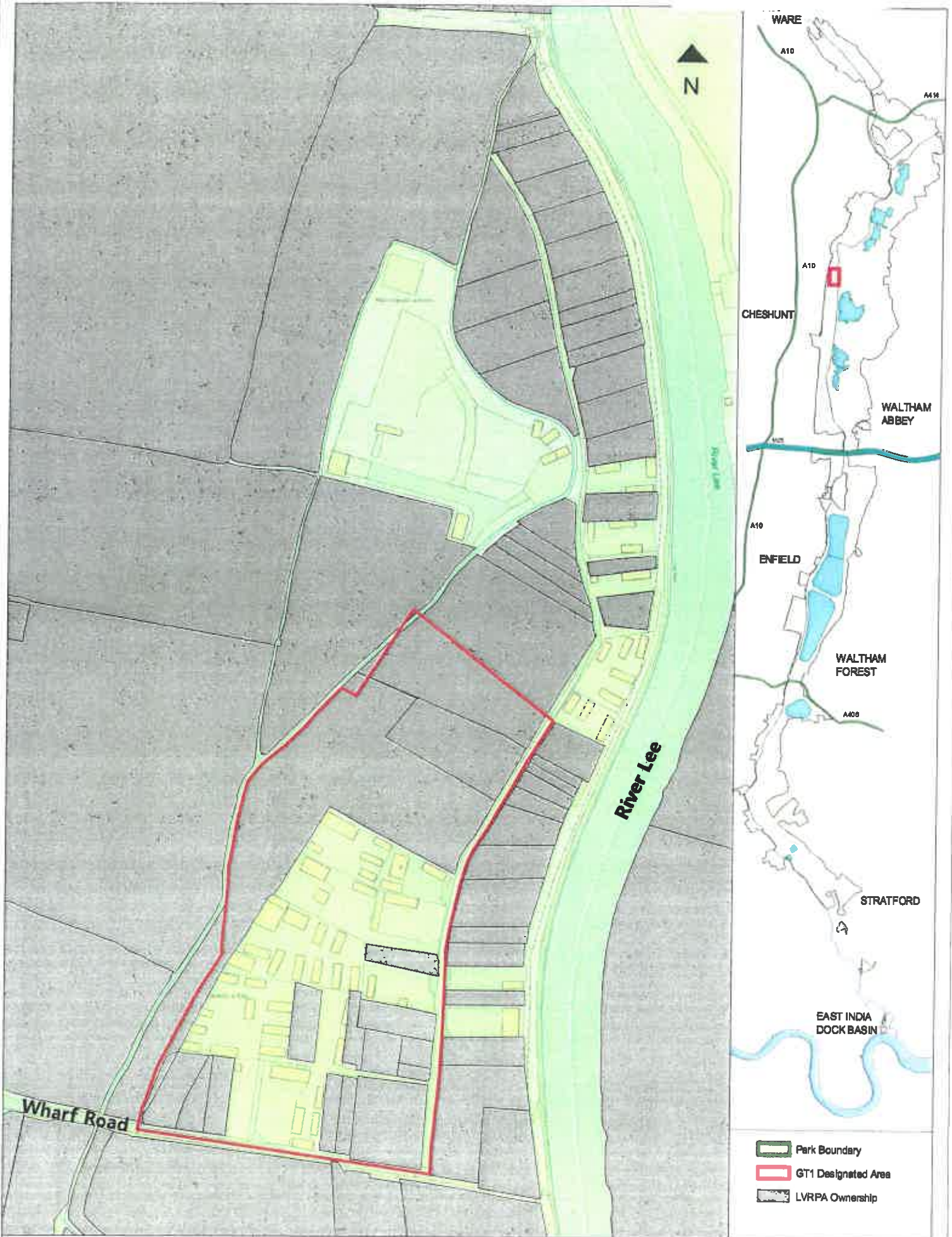
Finally Page 6 makes reference to the Wharf Road Environmental Strategy commissioned by the Authority in 2013 to inform the development of the Area Proposals. The plan included as Fig 3 in the SPD is actually an extract of the 'Masterplan' from this document and should not therefore be identified as a landscape strategy.

The Authority looks forward to seeing a revised version of the SPD prior to its consideration by Cabinet. In the meantime the Authority welcomes the opportunity to continue to discuss these matters with the Council on an informal basis.

Yours sincerely

Claire Martin
Head of Planning

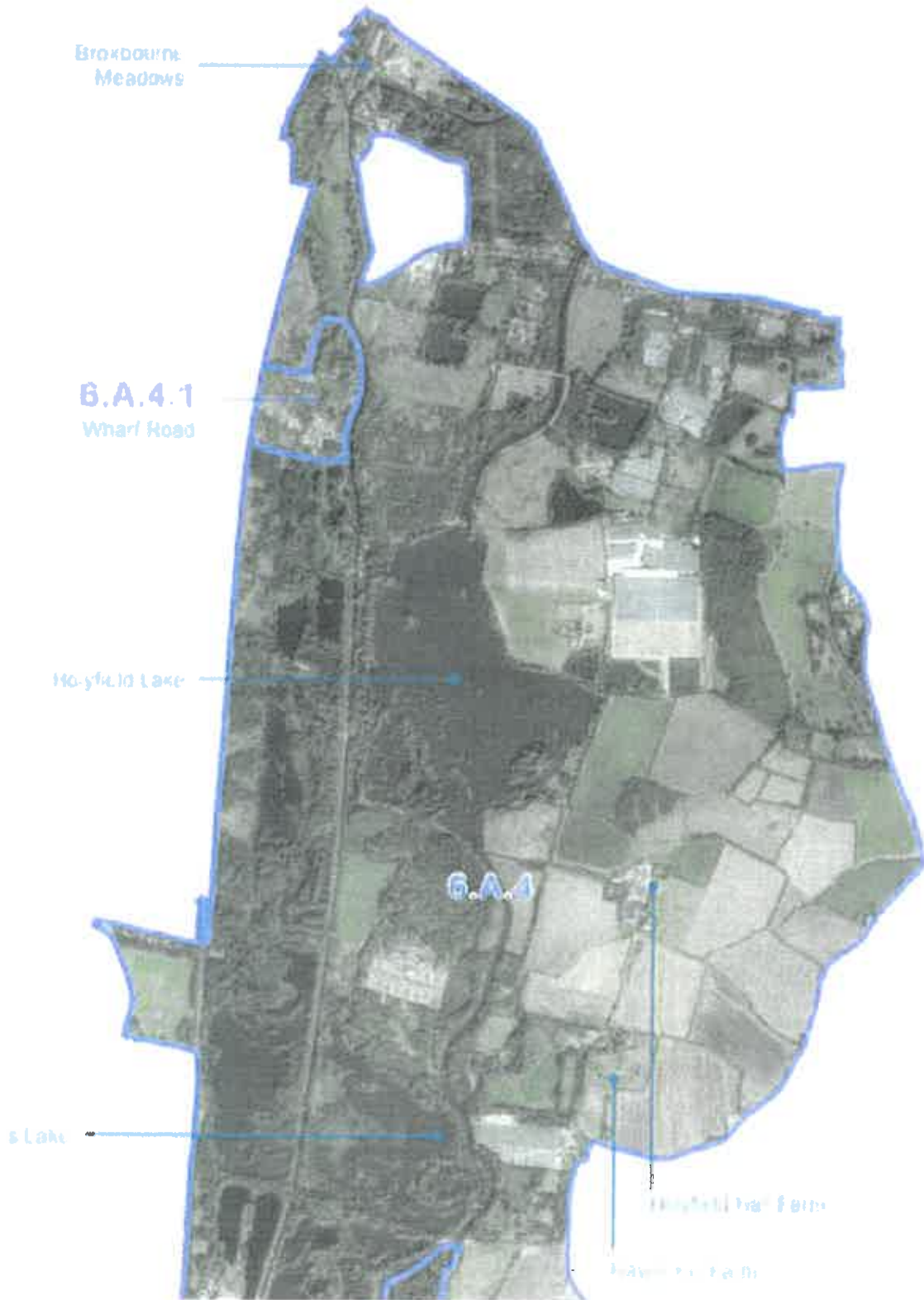
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GT1 Designated Area - LVRPA Context. Wharf Road, Wormley.

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Park Development Framework Extract - Area Proposal 6.A.4.1 Wharf Road



Area 6.A.4.1 Wharf Road Proposals

Footpaths

Create a new pedestrian spine parallel with the Broxbourne Ditch corridor to provide a different pedestrian environment and relieve pressure on the Navigation towpath. Extend the existing path network by providing further new tracks and paths to form extra links and circuits including an additional path along the southern edge of Silvermeade Wildlife site.

Upgrade Wharf Road as an entrance and gateway point into the River Lee Country Park. Work with Broxbourne Council, Hertfordshire County and Network Rail to sign the Regional Park from the High Road and improve the environmental quality of the route along residential roads and Wharf Road into the Park at this point. Assess existing entrance signage and ensure appropriate site signage is provided that promotes both the River Lee Country Park and safe crossing of the railway.

Maintain and enhance the small car park and provide an illustrated information board along with additional signage for information, interpretation and orientation throughout the area.

Sport and Recreation

Protect and maintain the area as a tranquil space for informal recreation, walking and cycling forming part of the wider River Lee Country Park. Work with Broxbourne Council and landowners to increase the amount of space available for informal recreation, particularly in the southern half of the site.

Improve and extend the existing network of tracks and paths to create circular routes with links through to adjoining areas of the River Lee Country Park for walkers and cyclists.

Biodiversity

Extend the ecological qualities of Silvermeade to the north eastern part of the site and along the Broxbourne Ditch to encourage species such as Water Vole. Areas in the north west to be managed as grassland and scrub grassland matrix. To the south areas of species rich grassland to be planted and managed as meadows.

This will be achieved through the following initiatives:

- Investigate provision of new scrapes, shallow pools and marsh habitat creation to the north and south of Nut Tree Nursery to extend existing habitats in Silvermeade and provide visually accessible habitats adjacent to new paths. Arisings to be disposed of in selected locations on site to avoid any reduction in flood plain capacity. Contamination surveys and Phase 1 and Phase 2 Ecological surveys are also required.
- Along Broxbourne Ditch removal of selected trees and pollarding of ditchside willows to reduce excessive shading; removal of litter, desilting and possible easing of bank gradients in limited numbers of selected locations to create habitat suitable for Water Vole.
- Introduction of a scrub control programme for areas south-west of Silvermeade, and north of Wharf Road, to conserve potentially interesting grassland and reedbed habitat.
- Removal and control of Great Willowherb in the north west of the site and Himalayan Balsam in the north east.
- Undertake cyclical management of hedgerows on Wharf Road and on the Navigation, removal of inappropriate species and localised gapping up

- Introduce meadow management on land west of Silvermeade and investigate feasibility of using cattle for grazing.

Promote the site as an access to nature area with opportunities to view species such as the Water Vole.

Landscape and Heritage

Landscape

Protect, enhance and manage the landscape as set out in the Landscape Strategy Guidelines for Character Area: A4 Kings Weir to Waltham Town Lock

Extend the positive landscape character of surrounding areas to the south and north into the site and strengthen existing landscape features including the Broxbourne ditch and the river edge.

Plant locally native wet woodland to extend and consolidate existing scattered tree clumps to provide enhanced screening to visually intrusive uses. Species should be mainly willow, alder and birch with some oak, with a focus on the creation of alder carr.

Thin and remove existing vegetation to improve inter-visibility of areas such as the Navigation and to remove the legacy of chalet plot development. The focus will be on the removal of inappropriate species (mainly surviving garden species from previous chalet development) and poor quality trees

Heritage

Work with Broxbourne Council and other stakeholders to develop a long term strategy of removing illegal, non-conforming and non Park compatible uses within the area, including through the use of planning enforcement action, and compulsory purchase if necessary

Larger areas of non-conforming use may present issues of contamination and unsafe ground conditions unsuitable for public access. Given that remediation is likely to have significant costs it is suggested that these areas are assumed to be fenced to prevent public access, and to serve as a refuge area for wildlife.

Investigate demand for the medium term lease of land that presents issues of contamination or unsafe ground unsuitable for public access to be planted, managed and cropped for short rotation coppice. This could include areas of hazel coppice and/ or the cultivation of stickle bat willows.

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Extract from Draft SPD

Wharf Road – Draft SPD for public consultation - July 2023

The Masterplan

The draft masterplan is set out in **Figure 4**. The masterplan indicates the following approach to consolidation of the site in accordance with the Local Plan:

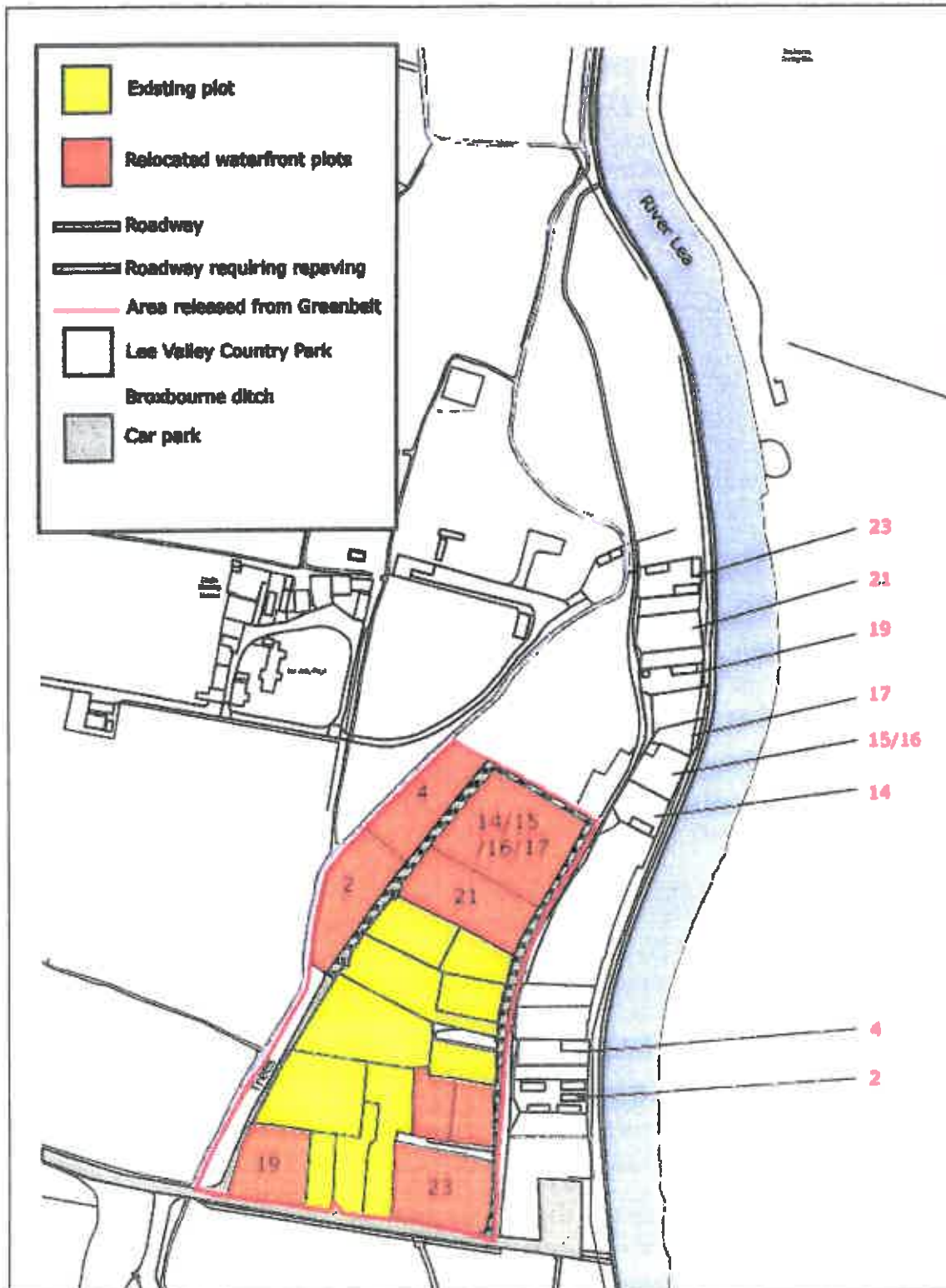
1. Existing plots within the consolidated site area (shown in green) will be retained without change.
2. Existing waterfront plots (numbers 2-23 inclusive) will be relocated over time to the areas shown in orange. At vacated plots all fences, hardstandings and other development will be removed and the environment of the waterfront enhanced.

General principles

The Council has had a number of meetings with the LVRPA and the following general principles have emerged in respect of the positions of both bodies:

- a. The Council will look favourably upon applications for planning permission for all developments on plots shaded in green or orange on the masterplan.
- b. The Council will upon request provide without charge free advice and assistance to any resident who indicates a desire to seek planning permission for pitches shown coloured on the plan.
- c. The Council will use all available statutory powers to enforce against unauthorised developments.
- d. In accordance with Local Plan Policy GT1, new or relocated pitches are to meet the specific accommodation needs of existing communities and expansion through their new household formation, not to meet the needs of their extended families or those of other families
- e. The LVRPA will take action against unlawful expansion onto land within its ownership.
- f. For both authorised and unauthorised development on the waterfront (including the plots shown and any others) the LVRPA will seek to purchase all waterfront plots and/or swap this land for Authority-owned land shaded in orange.
- g. Following the necessary plot relocations, the Park Development Framework indicates that the LVRPA will undertake environmental enhancements including to the Broxbourne Ditch, the waterfront and surrounding areas to implement the landscape strategy and Park Development Framework.
- h. The site will continue to be self-managed and owned by the residents.
- i. The masterplan will be used as the basis for seeking funding opportunities as they become available in order to work with the providers of statutory utilities to seek to provide authorised provision to the site.
- j. Subject to securing funding, the Council will work with statutory utilities providers to provide an authorised supply of gas, electricity, waste water and water supply.
- k. Subject to securing funding, the Council and the Park Authority will work with the Environment Agency to provide site-specific flood defences and utilities companies to provide mains electricity, water and gas connections.

Figure 4: Draft Masterplan



**PROPOSED DISPOSAL OF LAND
WEST OF RAMMEY MARSH, ENFIELD**

Presented by the Deputy Chief Executive

EXECUTIVE SUMMARY

Some Members may recall from June 2018 a report requesting the Rammey Marsh West site to be declared at that time as no longer required for Park purposes (Paper E/567/18) and seeking approval for the site be disposed on the open market. To initiate this process the Authority proceeded to include the site in the London Borough of Enfield's call for sites process. The Rammey Marsh West site is approximately 5.78 hectares (14.28 acres), and now benefits from an allocation under Draft Strategic Policy E1 for the development of employment space in the Draft New Enfield Local Plan. The site which sits to the north of Mollison Avenue lies adjacent to land owned by Transport for London and the London Borough of Enfield (see plan attached as Appendix A to this report). All three sites are included in the draft allocation. Officers have been in discussions with London Borough of Enfield officers on a collaborative effort to dispose of the joint land interests and this report seeks Member approval to terms provisionally agreed in a Memorandum of Understanding and to additionally proceed with procuring preliminary work to undertake baseline surveys, investigate access and assess the development potential. This work will support the allocation of the site within the new London Borough of Enfield Local Plan.

RECOMMENDATION

Members Approve: (1) that the Authority enters into a Memorandum of Understanding with the London Borough of Enfield on the terms proposed in paragraph 4 of this report.

BACKGROUND

1 The Rammey Marsh West (RMW) site shown in yellow on Appendix A to this report was acquired in December 1993 for a sum of £10,000 from the Borough of Broxbourne. The site was acquired in its present form of rough grassland and since acquisition has been subject to minimal management. Due to its lack of access and limited potential as open space it has been closed to the public since acquisition. It lies adjacent to the M25 motorway and it is not contiguous with other land in Authority ownership, has no express access rights benefitting

the Authority within its title and is closed to the public. In view of its restricted value as open space available for the public to enjoy, Members were asked in June 2018 to (at that time) declare the site as no longer required for Park purposes and therefore surplus to the Authority's requirements and to authorise steps be taken to dispose on the open market.

- 2 Appendix A plan shows the Authority's ownership of the RMW site in red and is 14.28 acres and lies adjacent to Transport for London (TfL) land of 9.19 acres shown in yellow and London Borough of Enfield (LBE) land of 3.67 acres (in blue). The Site which totals approximately 27.14 acres has since June 2021 formed part of an allocation within the emerging LBE Local Plan under reference SA52: Land West of Rammey Marsh (Regulation 18 version) – see Appendix B to this report. The site has been identified as part of a wider site for employment uses under the Strategic Policy SP E1: Employment and Growth. As a result, officers have been in discussion with LBE officers on collaboration to jointly dispose of the land interests. It should be noted that futile attempts were made to engage with TfL before the two parties decided to proceed at least to the first stage.
- 3 The joint sites benefit from an allocation under Draft Strategic Policy E1 for the development of employment space in the Draft New Enfield Local Plan. The current allocation pro-forma proposal states that the subject "redevelopment should provide at least 70,200 sqm of new employment floorspace (light industrial, general industrial, storage and distribution, and related sui generis) floorspace".

The entire site allocation under reference SA52 extends to circa 27.14 acres (10.98 hectares) including the TfL land. Therefore, on a pro-rated basis the land in the control of LBE and LVRPA has the potential to deliver up to circa 45,300 sqm (circa 500,000 sqft) of employment space. However, it should be noted that this is a high-level estimate and a more accurate assessment of the site's capability will form an output of the proposed capacity Study.

The Regulation 19 version of the emerging Local Plan is expected to be published in Winter 2023, with submission for Examination in Public (EIP) expected in 2024, with adoption anticipated in 2025.

MEMORANDUM OF UNDERSTANDING

- 4 LVRPA own circa 14.28 acres, equivalent of 79.55% of the land. LBE own 3.67 acres, equivalent of 20.45% of the land.

The purpose of the Memorandum of Understanding (MoU) is to provide a framework with respect to preliminary work to inform a possible joint disposal of this site. It will provide the basis for the collaborative working during the site preparation and investigation stage. This work is required to better understand the potential development capacity and value of the site; to identify site issues (access, ground conditions, utility provisions etc and begin to identify and cost solutions that can be implemented prior to development; and start to prepare the pack of material that will be used for procurement of a developer or site promotor.

The overall objective:

1. to maximise the value of both parties land on a basis that meets the tests of Best Consideration that apply to both LVRPA and LBE; and

2. any joint disposal subject to necessary approvals would be subject to and at the point of allocation in the new LBE Local Plan.
- 5 LBE and LVRPA will be looking to support the allocation of the site within the new LBE Local Plan and at the EIP by demonstrating that the site is suitable and available for development, noting that the site is currently designated as Metropolitan Open Land and as Green Belt. In the event that the draft allocation is confirmed, a development partner is likely to be procured. In anticipation of this process, both parties are seeking to support the initial Local Plan evidence base and the potential marketing of the opportunity thereafter, having to identify the need to establish greater clarity.

The proposed preliminary works to be undertaken are listed below.

1. **Highways design work**
To identify a workable means of accessing the site and the likely cost, timeframe and other considerations of these works. The purpose of the study will be to assess potential access and egress from land within the redline boundary plan, from either the subject site or the public highway, to support the proposed development.
2. **Ground Conditions (desktop)**
To identify ground conditions and contamination, and provide a high level remediation strategy (if applicable).
3. **Utilities/Services (desktop/ site survey)**
To provide a survey plan of utility and service provision to the site and its surround area including water (potable), drainage, gas, electricity and telecommunications.
4. **Topographical (site survey)**
To produce a measured topographical plan of the site showing levels and boundaries and other topographical features.
5. **Development capacity/net developable area of site**
High level design work to illustrate and calculate the likely net developable area and the development capacity of the site.

The preliminary work above will therefore undertake baseline surveys, investigate access and assess development potential. The works will be jointly procured, with the Authority taking the lead on the procurement and consulting with LBE throughout.

The costs of the preliminary work are to be shared as follows:

LVRPA = 75%

LBE = 25%

6 **Intellectual Property**

All survey, investigation and consultancy work shall be jointly instructed with both LBE and LVRPA as client.

The intellectual property rights created in the course of the Project shall be held by LVRPA, which shall grant a non-exclusive, irrevocable, free licence to LBE.

7 Term

For an initial period of 12 months, to be renewed subject to mutual agreement.

ENVIRONMENTAL IMPLICATIONS

- 8 It is thought that the site was originally part of a sewage treatment plant and as such may be contaminated, but no ecological assessments or ground investigations have been undertaken which would confirm this. The RMW site falls outside of the adjacent site of Metropolitan Importance for Nature Conservation.

FINANCIAL IMPLICATIONS

- 9 If the Authority disposes of this land then there would be financial implications. The capital receipt achieved on any proposed disposal will be included as part of the capital programme funding plan to support the overall programme going forward. Members would also need to give such approval to apply to the Secretary of State for this purpose under S22 of the Lee Valley Regional Park Act 1966 (the Park Act).
- 10 The Authority may derive a greater financial benefit from any disposal of its interest in the joint approach with LBE as the adjacent landowner. Part of the TfL site may be required but it is not currently viewed to provide an added benefit/capital receipt unless the preliminary transport studies conclude otherwise.

HUMAN RESOURCE IMPLICATIONS

- 11 There are no human resource implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

- 12 The Authority is able to dispose of any area of land whether in whole or in part when it is no longer required for Park purposes. This must be a properly applied test under Section 21 of the Park Act and all of the facts should be taken into consideration when making a decision to dispose of land. If Members make this initial decision then officers will market the site and a report will come back to Members outlining any offers received and requesting a decision for disposal. Any disposal will require a formal Member decision under Section 21 of the Park Act and Members will again consider the circumstances at the time of that decision and subject to Member approval the Authority will also be required to obtain consent from the Secretary of State. Under Section 22 of the Park Act the Authority is required to obtain approval for the use of any capital receipt obtained under Section 21 of the Park Act.
- 13 The Authority sought written advice from Counsel on its powers to dispose of its property interests for the purposes outlined in its Land & Property Strategy. Members should note that in some cases it may be necessary to take more specific legal advice based on the circumstances of the disposal. This will be considered again when the report requesting a decision to dispose of this land is brought back to Members. At the time of writing this report officers consider that the advice from Counsel is sufficient. It confirms that the Authority can sell land that is not currently required for any of the Authority's functions. The previous report set out the position in that there was no requirement for this land

for any of the Authority's functions at that time. It will be necessary for Members to re-consider this at the time any disposal is being considered in a future report.

RISK MANAGEMENT IMPLICATIONS

- 14 The site may be contaminated land although no investigations have been carried out to confirm this. In addition the site has suffered in the past from trespassing horses illegally grazing on Authority and neighbouring land. The land has Green Belt status and this designation will need to be considered before any consent for commercial or residential development would be achievable.

EQUALITY IMPLICATIONS

- 15 There are no equality implications arising directly from the recommendations in this report.

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PREVIOUS REPORTS

Executive	E/567/18	Proposed disposal of Rammey Marsh West	21 June 2018
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APPENDICES ATTACHED

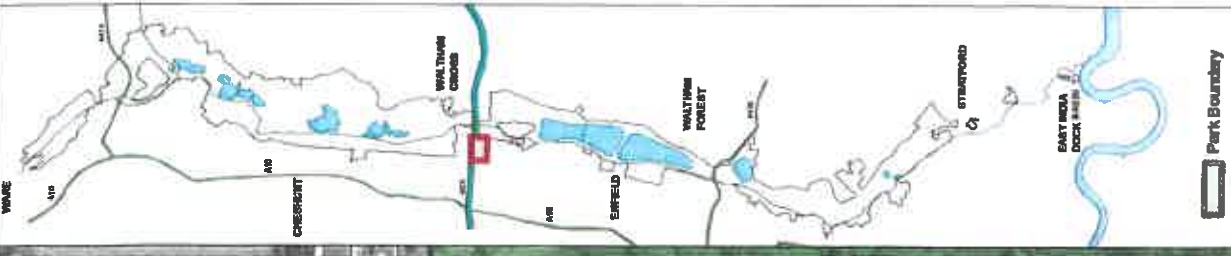
Appendix A Plan showing the site to be considered for disposal including adjacent land owned by LBE and TfL

Appendix B SA52: Land West of Rammey Marsh

LIST OF ABBREVIATIONS

TfL	Transport for London
the Park Act	Lee Valley Regional Park Act 1966
RMW	Rammey Marsh West
LBE	London Borough of Enfield
LVRPA	Lee Valley Regional Park Authority
MoU	Memorandum of Understanding
EIP	Examination in Public

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Rammey Marsh West - Ownership Context

NTS @ A4
07.09.23

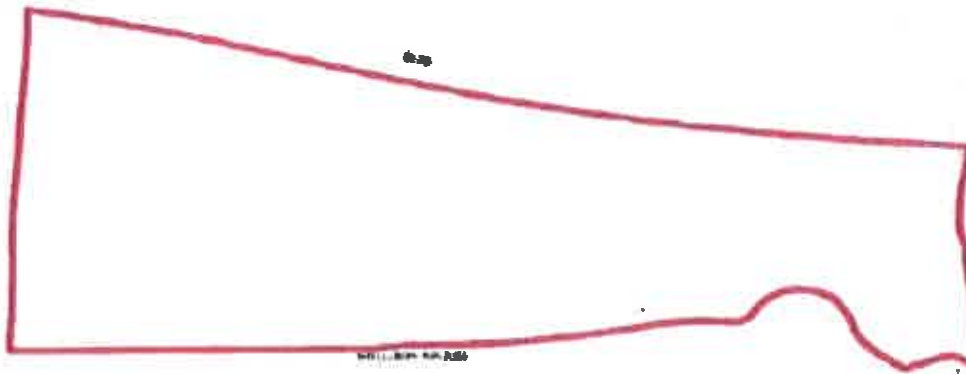
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SA52: Land West of Rammev Marsh



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1:1:1
metres

Existing Site Information			
Address	Rammev Marsh Mollison Avenue,		
Site Area	12.01ha		
Existing Use(s)	Open land		
Site Considerations			
Flood Zone	1		
PTAL	1a		
Heritage Considerations	None		
Impacts an Archaeological Priority Area	None		
Proposal			
Land Use Requirements	<ul style="list-style-type: none"> Redevelopment should provide at least 70,200 sq m of new employment floorspace (light industrial, general industrial, storage and distribution, and related sui generis) floorspace. 		
Implementation			
Timeframe for Delivery	0-5 years	5-10 years	10+ years
	-	X	-